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LEGISLATIVE HISTORY
Public Law 132--78th Congress
Chapter 213--1st Session
H. R. 2714

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DIGEST OF PUBLIC LAW 132

URGENT DEFICIENCY APPROPRIATION ACT, 1943.

Appropriates funds for overtime pay, gypsy and brown-tail moth control, and the War Production Board.

Continues until June 30, 1944, the foreign war relief item. Continues until June 30, 1944, the President's emergency fund, but prohibits allocations to projects for which Congress has refused to appropriate. Authorizes transfer of lend-lease funds from "necessary services and expenses" to "administrative expenses".

Summary and Index of History on H. R. 2714.

May 7, 1943 Hearings: House, H. R. 2714.

May 14, 1943 House Appropriations Committee reported Full Committee Print of report and bill. House Rept. 447 and H. R. 2714 reported by the Committee and referred to the House. Print of bill as reported. House began debate.

May 17, 1943 Debate continued.

May 18, 1943 Passed House with amendments. Referred to the Senate Committee on Appropriations.

May 20, 1943 Hearings: Senate, H. R. 2714.

May 26, 1943 Senate Committee reported with amendments. S. Rept. 264. Print of bill as reported. (Reported during adjournment).

May 28, 1943 Debated, amended, and passed Senate. Print of bill with Senate amendments numbered. Senate requests a conference and appointed Senate Conferees.

June 1, 1943 House Conferees Appointed. House received Conference Report. H. Rept. 514.

June 8, 1943 House agreed to Conference Report and acted on amendments in disagreement.

June 10, 1943 Senate receives Conference Report and insists upon its disagreement. Asks further conference with House. Senate Conferees appointed.

June 15, 1943 Appropriations Committee authorized to report this bill during recess.

June 22, 1943 House Conferees appointed.

June 23, 1943 House agreed to second Conference Report. H. Rept. 593.

June 24, 1943 Senate rejected second Conference Report. H. Rept. 593.

Summary and Index of History on H. R. 2714
(Continued)

June 25, 1943	Senate and House asks further conference and appointed Conferees.
June 28, 1943	Both houses receive third Conference Report. H. Rept. 607.
June 29, 1943	Senate rejects third Conference Report. H. Rept. 607. Senate insisted on further conference with House and appointed Senate Conferees. New Conference Report (fourth) submitted to both Houses. H. Rept. 618. Senate rejected fourth Conference Report. H. Rept. 618.
June 30, 1943	House insisted on disagreement and asked for further conference. Further Conferees appointed.
July 2, 1943	Senate agreed to fifth Conference Report. H. Rept. 661.
July 3, 1943	House agreed to fifth Conference Report with validating amendment. H. Rept. 661. Senate concurred in amendment.
July 12, 1943	Approved. Public Law 132.

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URGENT DEFICIENCY APPROPRIATION BILL FOR 1943

HEARINGS

BEFORE THE

SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES

SEVENTY-EIGHTH CONGRESS

FIRST SESSION

ON THE

URGENT DEFICIENCY
APPROPRIATION BILL FOR 1943

HR 2714

Printed for the use of the Committee on Appropriations



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1943

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URGENT DEFICIENCY APPROPRIATION BILL, 1943

HEARINGS CONDUCTED BY THE SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, IN CHARGE OF DEFICIENCY APPROPRIATIONS, MESSRS, CLARENCE CANNON (CHAIRMAN), CLIFTON A. WOODRUM, LOUIS LUDLOW, J. BUELL SNYDER, EMMET O'NEAL, LOUIS C. RABAUT, JED JOHNSON, JOHN TABER, RICHARD B. WIGGLESWORTH, WILLIAM P. LAMBERTSON, AND J. WILLIAM DITTER, ON THE DAYS FOLLOWING, NAMELY:

FRIDAY, MAY 7, 1943.

EXECUTIVE OFFICE OF THE PRESIDENT

WAR PRODUCTION BOARD

STATEMENTS OF DONALD M. NELSON, CHAIRMAN, WAR PRODUCTION BOARD; DR. HARVEY N. DAVIS, DIRECTOR OF THE OFFICE OF PRODUCTION RESEARCH AND DEVELOPMENT; BERNARD L. GLADIEUX, ADMINISTRATIVE ASSISTANT TO THE CHAIRMAN, FRANCIS R. CAWLEY, BUDGET OFFICER

SALARIES AND EXPENSES DEFICIENCY ESTIMATES, FISCAL YEAR 1943

The CHAIRMAN. Mr. Nelson, we have before us an estimate for the War Production Board for the fiscal year 1943, as submitted in House Document No. 174, in the amount of \$5,027,000. The item reads as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE FOR EMERGENCY MANAGEMENT

WAR PRODUCTION BOARD

For an additional amount for the Office for Emergency Management, War Production Board, fiscal year 1943, including the objects specified for the appropriation under this head in the First Supplemental National Defense Appropriation Act, 1943, and including the purchase or hire of 15 passenger-carrying automobiles; reimbursement, at not to exceed 3 cents per mile, of employees for expenses incurred by them in performance of official travel in privately owned automobiles within the limits of their official stations; not to exceed \$20,000 for the temporary employment of persons (including aliens), or organizations by contract or otherwise without regard to the civil-service and classification laws; not to exceed \$1,780,000 additional for scientific research on materials, material substitutes, and other subjects related to the functions of the Board; and, in addition to the amounts authorized by section 203 of said Appropriation Act, not to exceed \$1,207,000 for travel, and not to exceed \$334,000 for printing and binding; \$5,027,000.

The CHAIRMAN. The original appropriation for 1943, Mr. Nelson, was \$68,546,300.

You received by transfer from the Smaller War Plants Corporation, \$7,500,000; you also received from the emergency fund of the President, \$1,046,000, and from Office for Emergency Management, \$10,000, making an aggregate total of \$77,102,300. From that you transferred to the Department of Agriculture, \$674,000, leaving a balance available for the War Production Board of \$76,428,300.

Mr. NELSON. That is right, sir.

GENERAL STATEMENT

The CHAIRMAN. Can you give us a general statement on that, Mr. Nelson?

Mr. NELSON. You mean on the deficiencies?

The CHAIRMAN. Yes.

Mr. NELSON. I have a full and complete statement here, if you would like to have me read it.

The CHAIRMAN. If you will.

Mr. NELSON. As I pointed out a year ago when I presented to the Congress the Budget estimates for the War Production Board for fiscal year 1943, it is impossible to forecast precisely the operating expense of an organization such as the War Production Board, completely dynamic in concept and completely adjustable to meet new and unforeseeable problems as it goes along. We have made basic changes in the organization of the Board to meet conditions as they develop. In some cases, new programs have been necessary; in others, situations have been met by adjustments in existing programs. Where possible, adjustments and changes have been accomplished by corresponding adjustments in the allocations of appropriated funds. However, this has not been possible in all cases, and it has become necessary to present this request for supplemental funds to cover those instances where the original estimates were inadequate, where new programs have developed and where accelerated rates of operation have used up available funds.

It became evident during the first half of the fiscal year that supplemental funds would be necessary to provide for the new programs which had become necessary and for adjusted programs such as the controlled materials plan. In view, however, of the growing organizational maturity in the older units of the Board and active measures to bring about operating economies in general, it was decided to defer consideration of this supplemental estimate until the possibilities of making funds available through personnel reductions and operating economies had been exhausted. All recruitments were stopped on March 6, 1943, and reductions in personnel have been scheduled in accordance with directives of the Bureau of the Budget pursuant to Public Law 821 of the Seventy-seventh Congress. The estimates herewith submitted represent a reappraisal of operating needs of the Board for the remainder of the fiscal year giving due weight to those portions of our job still remaining to be done, and in full recognition of the imperative necessity of achieving utmost economies in money and manpower.

Our appropriation for fiscal year 1943 amounted to \$76,046,300 which included \$7,500,000 for expenditures by the Board in connection with

the work of the Smaller War Plants Corporation. The estimate now submitted, totaling \$5,027,000, represents the minimum requirements for the balance of the fiscal year for the program as it is now operating. This estimate is broken down as follows:

Personal services-----	\$802,000
Travel-----	1,207,000
Communications-----	404,000
Printing and binding-----	834,000
Research-----	1,780,000
Total-----	5,027,000

These funds are urgently needed to carry on current operations until June 30. Funds for operations beyond that date will be requested in the regular 1944 Budget to be presented within the next few days.

These estimates make no provision for overtime payments in accordance with Public Law 821 of the Seventy-seventh Congress. A separate estimate in the amount of \$5,403,000 has been submitted for that purpose by the Bureau of the Budget.

I shall be glad to explain any of these items, Mr. Chairman.

UNOBLIGATED BALANCES OF CURRENT APPROPRIATION

The CHAIRMAN. Out of your \$76,428,300, how much was unobligated? What was your unobligated balance as of April 30?

Mr. CAWLEY. As of March 31 we had obligated \$57,906,073, leaving a balance available of \$18,522,227 for the fourth quarter of the current fiscal year.

There is just a word of explanation that I should like to make: The total obligation of \$57,906,073 does not include funds which have already been used for overtime payments; this has been about \$3,000,000 through March 31.

Mr. TABER. You mean you have in here, included in this \$5,000,000, an item of \$3,000,000 for overtime?

Mr. CAWLEY. No, sir. The \$18,522,227, the difference here, makes no allowance for overtime, although we have had to pay it.

The CHAIRMAN. You began to pay overtime as of December 1; is that right?

Mr. CAWLEY. That is correct.

The CHAIRMAN. Of course, you had to take it from the regular appropriation?

Mr. CAWLEY. Yes, sir.

The CHAIRMAN. And that incurred a further deficit of \$5,403,000, according to this statement?

Mr. NELSON. That is right, sir.

The CHAIRMAN. That is not in this estimate; that is pending before the committee in another estimate which we will take up at a later date?

Mr. CAWLEY. That is correct.

The CHAIRMAN. That is a current deficit which has come out of your regular appropriation?

Mr. CAWLEY. Yes, sir.

The CHAIRMAN. And it is an item that could not have been foreseen?

Mr. CAWLEY. That is correct. If the overtime money is made available, this \$18,522,227 is entirely available.

The CHAIRMAN. Adding this amount to the unobligated balance will give you sufficient to meet all obligations of the Board until June 30, except for this \$3,247,000, which is the amount of your estimate, exclusive of research projects.

RESEARCH PROJECTS

In addition to that, you are asking for an augmentation of the fund for research, in the amount of \$1,780,000.

Mr. NELSON. That is right.

The CHAIRMAN. Which is a supplemental item rather than a deficiency; that is not really a deficiency?

Mr. CAWLEY. That is correct.

The CHAIRMAN. That is really a supplemental item?

Mr. NELSON. That is right; that is a supplemental item.

The CHAIRMAN. What is the occasion for the expenditure of that money for research?

Mr. NELSON. We have found it absolutely necessary to do certain able, this \$18,522,227 is entirely available.
to investigate new processes of doing things.

The O. S. R. D., Dr. Van Bush's organization, handles research with respect to military weapons. We do the research with respect to all other things, such as the production of alumina.

RESEARCH ACTIVITIES

METALS AND MINERALS

I have a statement here on our research activities, indicating the things that are included, if you would like to have me present it.

The CHAIRMAN. Yes. Give us the various categories.

Mr. NELSON. Under "Metals and minerals," we have the following:

Lead-coating of steel sheet, wire, and so forth, utilizing salvaged antimonial lead, and containing only minor amounts of tin.

As you know, we have had great difficulty in the coating of sheets for rust-proofing; for cans and a lot of other things like that.

Treatment of used brass cartridge cases, particularly to remove antimony contaminants; that is, so that we can reuse the brass shells.

Recovery of tantalum from the Belgian Congo tin slags.

Tantalum has proven to be one of our very important metals in radio and radar. There has been a tremendous increase in the use of tantalum.

Problems of reclamation of turnings, borings, and so forth of plain-carbon, low-alloy steels, and other metals.

Utilization of lower quality diamonds for octahedrons now used in thread cutters.

That is a very important activity. Without diamonds, of course, you cannot do many of your cutting operations which are highly important in aircraft manufacture and other manufactures.

Development of automatic equipment to gage and sort mica film by thickness.

Mica is one of our great bottlenecks; it is used in resistances of various kinds, all over the picture; for spark plugs in airplane motors, and so forth. We have certain deposits in this country, but most of it we get from Brazil and we have great difficulty sorting it.

Development of methods for casting of magnesium, aluminum, and bronze by static, centrifugal, and precision casting methods.

That is a thing which may save tremendous sums of money and material, material being what we are primarily interested in.

Development of methods for production of metals for rapid generation of hydrogen.

Extraction of alumina from clays by the lime-sinter modification of the Pedersen process.

Alumina now comes mainly from bauxite, which is imported. That takes shipping. We have got a tremendous amount of clay in this country, but there has been very little active commercial work done on the production of alumina from clay.

Mr. WOODRUM. Has not the Tennessee Valley Authority done considerable work on that?

Mr. NELSON. The Tennessee Valley Authority has done some work on it; the Bureau of Mines has done some work on it. We are ready now to spend some \$30,000,000 in alumina projects, getting alumina from clay, in order to save shipping, in order to make ourselves impregnable in that field.

Mr. WOODRUM. Have they not done most of the pioneering research work on that?

Mr. NELSON. They have done the laboratory work. There has been very little pilot-plant operation on it as yet. You see, there is a great deal of work in the transfer from the laboratory to the big plant. We are recommending the spending of some \$30,000,000 to set up plants for the production of alumina. It is a highly important thing.

Dr. Davis is right here with us, if you want to talk to him about it. This is, I think, one of our most important activities.

Mr. WOODRUM. Is this for research or for pilot plants?

Mr. NELSON. These are mainly pilot plants and research projects. The word "research" is greatly abused.

Mr. WOODRUM. I think you ought to clear that up for the record. As you were reading these various items of research projects, it came to my mind that there were other agencies to whom we have been making available quite sizable sums of money for fundamental research on various items.

Mr. NELSON. That is right. That is for the laboratory work.

Mr. WOODRUM. I think you ought to clear that up, because it would occur to me that there is a lot of duplication there, of activity. For instance, the National Advisory Committee for Aeronautics has been doing a good deal of research, along various lines, such as you have indicated.

Mr. NELSON. That is right; they do a lot of that kind of work.

Mr. WOODRUM. Also the Bureau of Standards and the Bureau of Mines.

Mr. NELSON. They are doing a lot of work, too; yes, sir. The purpose of this is to translate their work into action on many of these things.

Mr. TABER. Has there been too much scatter fire on this?

Mr. NELSON. Definitely, sir; without any question. And our attempt here is to center this activity under Dr. Davis. We have persuaded him to come down with us to do two things; first, to help advise the Chairman and the rest of the Board, with respect to the hundreds and hundreds of projects which are submitted, of all kinds, about which there is generated great public heat, such as sponge iron. Various groups will say you ought to develop sponge iron, or this, that, or the other thing.

Most of them are in the laboratory stage of theoretical processes. They have to be evaluated.

Pilot-plant operations have to be put in so that we may get some practical, working thing, before we spend tremendous sums of money on it.

The CHAIRMAN. Have you completed that list of research projects?

Mr. NELSON. Oh, no, sir. That is just a very small portion of it. Dr. Davis is here, and I wish you would listen to him. I think you must recognize in this, not a theoretical activity, but a practical working activity, that is being translated into material savings, into dollar savings. They have tremendous value during the war, or we would not be doing it. But they also have tremendous implications from the standpoint of post-war development.

May I read some of the rest of these, because I think they are very important, and Dr. Davis will be glad to answer any questions you have in mind about them.

The CHAIRMAN. Proceed.

Mr. NELSON. Mica splitting.

Furnace and process for making magnesium by the ferrosilicon method.

That is a very interesting thing, because of the importance of magnesium. If we can lower the temperature of the tube, we can save a tremendous amount of alloy steel. That work is going on in a practical way.

CHEMICAL INDUSTRIES

Now, in the chemical industries: Acetylene is becoming scarce. We have got to find new methods of making acetylene.

Alcohol research: We are looking into new methods of making alcohol synthetically. We are building or have built tremendous rubber plants using alcohol. If the food shortage continues and we should have a crop failure, we will not have alcohol to run those plants: Aluminum salts, arsenic substitutes, benzene, catalysis, checking foreign patents, chlorine, coke, cresols, distillation, gasoline additives, lignin, phenol plastic substitutes, preventative for mildew, protective coatings, reducing agents, tannin, tall oil.

INDUSTRIAL PROCESSES AND PRODUCTS

Now, as to industrial processes and products:

Extension of present study of the "lost wax" process of precision casting, including pilot planting.

Investigation of new welding techniques for ferrous and nonferrous materials.

Lamination of lumber.

Extrusion of ferrous alloys.

New methods of forming ship plates.

Reduction of percentages of scrap when processing critical materials.

Miscellaneous processes such as chrome plating of cutting tools, extension of diamond die studies, and so forth.

Electronic control of production processes.

STATISTICAL METHODS FOR CONTROL OF QUALITY

That is a thing that sounds very simple, but it is something which might save us tremendous amounts of money and increase our production. Again, I am not emphasizing the saving of any amount particularly, but I am emphasizing the production processes. In other words, if we decrease rejections—and we have shown how to decrease rejections; rejections may be running as high as 20 percent—and if that can be reduced to 5 percent, think of the increase in production, the saving in manpower and material and everything else.

Also investigation to determine possibility of reduction in use of critical materials through studies of reasons for differences in percentage of rejections in various plants.

CONSUMER PRODUCTS

Then there are the various consumer products: Plastic products, fibers and textiles, building materials, mechanical equipment for buildings, engineering study of structures, food processing machinery, conservation of materials in consumer products, miscellaneous research.

I should really like to come to you for \$10,000,000, \$20,000,000, \$30,000,000 for this kind of work, if we were organized to use it effectively; and not for \$1,780,000. I would like to come to you for \$50,000,000 if I thought we could organize quickly enough really to use it; it is that important to the economy.

The CHAIRMAN. You have built up a special staff for this work, have you?

Mr. NELSON. Yes, sir.

The CHAIRMAN. Was that a part of your original plan?

Mr. NELSON. No, sir; it was not.

The CHAIRMAN. Or was it a subsequent development?

Mr. NELSON. It was a subsequent development.

The CHAIRMAN. Brought on by obvious need?

Mr. NELSON. Yes, brought on by obvious need for the development of ersatz materials, to use a word that I do not like to use, but which seems to be understood, for the development of processes and things of all kinds, all of which are highly important.

We had thousands of ideas coming into this town. We had the Inventors Council organization under Mr. Kettering. But there was no place where you could take some of those ideas, after they had been gone through by experts and the ones that seemed to have promise had been sorted out. Our job is to do the job with those that do not pertain to direct war matériel; I mean the direct implements of war. That is covered by the O. S. R. D.

RESULTS OBTAINED FROM RESEARCH ACTIVITIES

The CHAIRMAN. Do you think, up to this time, that the results you have secured have justified the expenditure of the funds?

Mr. NELSON. I do, sir.

The CHAIRMAN. Have any of your investigations been completed, or are they all still in process of study?

Mr. NELSON. This is relatively new. Dr. Davis can tell you about them.

The CHAIRMAN. Nothing has yet been completed, Doctor?

Dr. DAVIS. When we started, 5 months ago, we inherited two going concerns; one in metals and minerals, and one in chemistry. A number of things have been completed out of previous activities that that are now unified in our office. For instance, the new Pigeon process for producing magnesium originated in the group which we have now taken over as a part of our office.

Mr. WOODRUM. Who else is doing that same work?

Dr. DAVIS. Nobody.

Mr. WOODRUM. We have certainly made appropriations for that purpose.

Dr. DAVIS. Magnesium, sir?

Mr. WOODRUM. Yes.

Dr. DAVIS. There have been considerable appropriations made and used for plants, yes. But the original development of the Pigeon process, and the further development of it is right now is being carried on through our office.

COOPERATIONS WITH OTHER RESEARCH AND DEVELOPMENT ORGANIZATIONS

The CHAIRMAN. Doctor, what consultation do you have with the Bureau of Mines, the Bureau of Standards, and other Government scientific and research organizations?

Dr. DAVIS. I think we are pretty close to most of those bureaus.

The CHAIRMAN. You have kept in touch with them and with their work?

Dr. DAVIS. There are very good personal relations, yes.

The CHAIRMAN. You are not overlapping or duplicating?

Dr. DAVIS. We are trying very hard not to.

The CHAIRMAN. You are trying to avoid covering the same field?

Dr. DAVIS. That is correct. I am on the telephone with Dr. Bush two or three times a week, and my general reaction is, "Here is something that looks to me as if it were in your field," and maybe Dr. Bush says, "We will take it, don't worry about it." Very often he will argue, "No, that is on the production side and it is your job to do it." Then after we have argued it out for a while, if he still insists it is my job, I do my best to do it, but I always give Dr. Bush the first shot at anything that is at all questionable between us.

The CHAIRMAN. It stands to reason that with their number of employees, already hired, with their laboratories already equipped, they could go ahead a little more rapidly, a little less expensively, than if you did the work, does it not?

Dr. DAVIS. Anything that they can do, we have them do, sir.

The CHAIRMAN. The dividing line, the line of demarcation, then, is whether or not it is immediately needed for war purposes, is that it?

Dr. DAVIS. No; the dividing line is whether it is an instrument of war.

Mr. NELSON. As you know, the Bureau of Standards and the Bureau of Mines are conducting some of these research projects.

Dr. DAVIS. We are doing a lot of work through the Bureau of Standards at the moment.

Mr. NELSON. May we tell you how we do this, and I think you will get the idea, so that we prevent overlapping?

The CHAIRMAN. Yes.

Mr. NELSON. We do not have laboratories. We are not doing this work ourselves. That is, these projects are laid out, and it is decided that it is worth while to go into them, and then the scientists get together under Dr. Davis and determine where it can best be done. Maybe that work can best be done in the Bureau of Standards; maybe it can best be done in the Bureau of Mines; maybe it can best be handled by some one or other of the educational institutions. It may best be done in a commercial laboratory, the laboratory of a commercial company. It may best be done by a group of people working together somewhere or other. So an appropriation is made to the group, whoever it may be—whether it is the Bureau of Mines or the Bureau of Standards, or whoever it is. We do not want to duplicate and we will not duplicate anything that any agency is doing. It would be a great mistake for us to do that. We are not here for that purpose.

The CHAIRMAN. The prime purpose of all these activities is the successful conduct of the war.

Mr. NELSON. That is right, sir.

The CHAIRMAN. However promising it might be for post-war considerations, that is a secondary consideration.

Mr. NELSON. That is a purely secondary consideration. If it is not needed now, in order either to release critical materials which are being used, or if a critical material is going to develop into a scarcity, then it is our job to try to anticipate it.

Take a thing like alcohol. We would be derelict in our job if we did not do everything we could to have ready processes, in case it is necessary, to make alcohol of something other than grain, or other substances which are grown in the soil which may be needed for food. If we did not do that, I think you would have just reason to say that we had not done our job.

What we do is to appropriate money to groups who are best equipped and best able to study the matter. Dr. Davis will get the groups of people together, whether they come from Government or elsewhere, to carry on the work. It may be at the agricultural laboratory at Peoria. If they are equipped, then they do it.

The CHAIRMAN. You have available a staff of 36 persons who have started work, according to your justification here, on 59 projects.

Mr. NELSON. That is right, sir.

The CHAIRMAN. What is the relationship of their work to that of the Office of Scientific Research and Development, if any?

Mr. NELSON. That is Dr. Bush's organization?

The CHAIRMAN. Yes.

Mr. NELSON. There is a very close relationship.

The CHAIRMAN. You are coordinating your efforts?

Mr. NELSON. We are coordinating our efforts. If they want to tackle the job, we have nothing to do with it. If they do not want to tackle it and it looks important from the standpoint of preparation for war, then we tackle it. When I say "we tackle it," I mean Dr. Davis takes it on. It does not mean that we will spend any money on it if other agencies are willing to do it. If they are willing to do it we will not spend any money on it, if they have the means with which to do the job.

The CHAIRMAN. When you undertake one of these projects, is there any contract involved?

Mr. NELSON. Yes, sir; there is a contract involved.

The CHAIRMAN. What is the nature of the contract?

Mr. NELSON. Dr. Davis, will you answer that?

Dr. DAVIS. We make a contract with a certain laboratory to undertake an investigation of a certain problem, and define it as well as we can in the contract. Any research project may change as it goes along, and we try to keep in touch with what is going on and, when necessary, make slight changes in the phrasing of the contract as it touches the project.

The CHAIRMAN. These are nonprofit contracts?

Dr. DAVIS. Yes, wholly.

The CHAIRMAN. What if you develop patentable formulas or devices?

Dr. DAVIS. There are two patent clauses in our contracts which are modelled almost exactly on the patent clauses which are used by the O. S. R. D., who have had over 3 years of experience. Those contracts say that if there are patents involved in the situation, owned beforehand, the Government is to have royalty-free licenses for the use of those patents for the duration. If any new patents develop, the Government is to have royalty-free licenses for the life of the patents.

USE OF FACILITIES OF UNIVERSITIES AND COLLEGES AND INDUSTRIAL AND GOVERNMENTAL LABORATORIES

Mr. LUDLOW. Do you use the facilities of universities and colleges?

Dr. DAVIS. We are using the facilities of some universities and colleges. We are using some industrial laboratory facilities, and the facilities of some of the Government laboratories.

IMMEDIATE NEED OF FUNDS REQUESTED FOR RESEARCH

The CHAIRMAN. This money will not be available before June 1, if then. Will you be able to get on with this work and keep it in operation in this one month?

Dr. DAVIS. We have a lot of things that have been dammed up in the last 3 months. For instance, in our Metals and Minerals Branch, we have close to \$700,000 worth of projects, final consideration of which has been held up waiting for frauds to come through. That is just one of our four branches. In another, dealing with chemicals, there are over \$300,000 worth of projects now under consideration. Our industrial Processes and Products Branch has some \$450,000 worth of work in process of being whipped into shape. And in our Consumer Products Branch, even if only the more advanced half of the projects

now under consideration come through to the contract stage before July 1, 1943, something like \$410,000 will be involved.

In addition, new projects are constantly coming up. One "secret" project, now very active, had never been heard of by us on March 1, was estimated to cost about \$30,000 as of our knowledge on April 8, and now seems to need at least \$110,000 of immediate contracting. Again, only yesterday a research official of a large airplane company on the Pacific coast spent half a day discussing with us the possibility of our undertaking a considerable program of production research for the whole aircraft industry to parallel what the War Metallurgy Committee is now doing for them in its particular field. Since we have just organized a committee under the auspices of the American Society of Mechanical Engineers to advise us in just this field, it is impossible even to guess what researches they will have helped us to organize before July 1.

ADMINISTRATIVE EXPENSES

The CHAIRMAN. Taking up, Mr. Nelson, this item of \$3,247,000, I see that it consists of \$802,000 for salaries.

Mr. NELSON. Yes, sir.

The CHAIRMAN. And \$1,207,000 for travel; \$404,000 for communication service; and \$834,000 for printing and binding.

Mr. NELSON. Yes, sir.

The CHAIRMAN. And that is an amount that has been determined to be necessary after careful review.

Mr. NELSON. Yes, sir; the most careful review.

The CHAIRMAN. And it has been reduced to a minimum?

Mr. NELSON. It has. We do not want to waste money. On the other hand, I have never let, and do not want to let, money stand in the way of doing this job. If we can shorten this war 1 day, we can justify every single thing we are doing. It is not a question of money, although we do not want to waste money. We would like to go through with you, or any other agency that wants to know, to show you what we are doing to prevent waste. We want to eliminate waste. On the other hand, there is one thing that I must make perfectly clear. I cannot do this job, and it cannot be done, if we are constantly going to be hamstrung on the question of money.

I went through one of our divisions yesterday, our Textile Division; spent the morning with them. Here we are with 36 important jobs that have to be done to prevent the rationing of clothing, a thing that we are trying our best to do; that is, to prevent the rationing of clothing and textiles in this country. If we have to do that, it will be one of the worst jobs we have ever had to tackle; and it is imminent unless we can use the best brains of the industry and so utilize all the facilities as to get the most out of them.

This is something that is not understandable, quite naturally, to everybody. But I went over it with the Division. We have even cut the fabrics out of women's hats in order to save fabric, because we are being asked today to supply fabrics and textiles of all kinds for lend-lease. We have the proposition of taking care of all the Dominions in the supply of textiles, and North Africa. The minute we get into a territory like that, the deficit of textiles floats in on us. The people have to be clothed.

The CHAIRMAN. Rationing of clothing in textiles has been resorted to in all of the European countries, has it not?

Mr. NELSON. It has, sir. But we are trying to avoid it. I think it would be a terrible thing.

The CHAIRMAN. Do you think it can be avoided?

Mr. NELSON. I do, sir; I believe it can be avoided, although there are many who think that I am wrong.

The CHAIRMAN. And you are working toward that end?

Mr. NELSON. We are working toward the end of avoiding it.

Mr. WOODRUM. Up to date we have given you everything you have asked for, Mr. Nelson, is that right?

Mr. NELSON. You have, sir. As far as the Congress is concerned, you have done 100 percent so far. I cannot say that you have held me back one bit.

PERSONAL SERVICES

ADDITIONAL PERSONNEL REQUESTED

The CHAIRMAN. You are asking here for additional salaries of \$802,000. In your original allotment of \$54,000,000 that was provided, it was intended to supply personnel in the number of 24,600.

Mr. NELSON. That is right. Those are principally new programs, some of which were instituted during the year. I would like to recount them for you. I would like to show you the value of the new projects, if you want to hear about them.

The CHAIRMAN. Yes.

Mr. NELSON. For instance, our war production drive headquarters, where we have established throughout the country some 2,000 labor-management committees. That work has been carefully carried on and it has really performed miracles in increased production. There have been improved production methods developed as a result of it. It has been an amazing thing, and has been, I believe, well worth the money spent.

We have our Combined Production Resources Board, through which we try to coordinate our production with that of England. Various missions from here go over to England and from there come over here. Take, for instance, the matter of steel. We supply tremendous amounts of steel of all kinds to England. We sent a steel mission over there, to see whether they could not increase their production over there by doing certain things which we have done over here; and to see to it that that steel was not used for purposes other than the war. There had been some question—I had been questioned by committees of Congress, and quite rightly—as to whether the steel that we were shipping to England was being used in their overseas trade for themselves.

That steel mission accomplished a great deal in England. It did a good job.

They sent a steel mission over here. We did the same in connection with aircraft; we did the same in connection with tanks, and we are doing that constantly in connection with other materials. We are coordinating our production with that of Canada and of England, and through this combined board, we meet the common problems. They are worked out so that we save shipping, save the transfer of materials.

All of those things are done through that combined board. That is just beginning to get under way. I have sent a report of that to the President. I think the board is justified, but it was not included originally.

We have gone over the research projects.

Take our Wholesale and Retail Trade Division. We ran into a situation where goods were being gobbled up by the larger concerns. We had to put a limitation on that, so as not to allow the larger concerns to pile up goods at the expense of the smaller ones. I do not know how far we are going to have to go on that.

The CHAIRMAN. That was, to that extent, a species of rationing, was it not?

Mr. NELSON. Well, we have not gotten to rationing. What we did was in the nature of inventory control, to try to head off rationing. Whether we will have to go into distribution rationing is a thing that has given me a great deal of grave concern; that is, in order to get a proper distribution of goods.

The CHAIRMAN. That could be done without going all the way down to retail rationing, could it not?

Mr. NELSON. It would be rationing first to the manufacturer and should compel him to distribute fairly among all concerns rather than giving it to just a few people.

Let me give you an example that I think is quite typical of what I have in mind.

Let us take work clothing, for example. Today that is not being properly distributed around the United States because some of the big concerns are doing war work entirely, work on one-piece garments. The one-piece garment for the services is about three times as difficult to manufacture as the two-piece garment. Some of these big concerns were making overalls to supply the farm trade, particularly through the mail-order houses. They are doing entirely war work, and many of the smaller ones around over the country have war work now. That was formerly distributed through a number of small retail channels. Due to the distribution of orders placed by the War Department and the Navy Department, there has been a curbing of the whole system of distribution of work clothing.

We have gone back over it, and with the complete cooperation of the services—and they have been extremely cooperative in this—we adjusted those contracts, so that a concern does not give all of its business for war, but only takes a portion of its business for war, and the rest of it is distributed in the regular retail channels. In other words, there has been a redistribution of these orders to try to prevent rationing.

The CHAIRMAN. The number of men you have used, 24,600, if they had been employed at once, would have required an annual expenditure rate of about \$64,000,000 for personal services, is that correct?

Mr. NELSON. Yes, sir.

The CHAIRMAN. But, due to the fact that you expected to take some little time to get in operation, you provided for about \$10,000,000 for lapses, as I recall it.

Mr. NELSON. That is right.

The CHAIRMAN. But notwithstanding that, you are still running behind something like \$802,000. What is that due to?

Mr. NELSON. There are the newer activities that I have been reciting to you. For instance, our steel recovering program.

The CHAIRMAN. You have undertaken activities that were not expected?

Mr. NELSON. Then, there was the manilla cordage program in which we had to make available all of the excess inventories around the country.

The CHAIRMAN. This deficit is explained by two things; by the fact that you recruited more rapidly than expected, and you undertook activities not expected?

Mr. NELSON. That is right.

The CHAIRMAN. Now, by direction of the Bureau of the Budget, you have been required to reduce your force to 21,847.

Mr. NELSON. That is right.

The CHAIRMAN. And you can reduce another thousand by June 30?

Mr. NELSON. It is going to be as tight as it can be, but we are endeavoring to do it. If we cannot do it, we will tell the Bureau of the Budget that it cannot be done.

The CHAIRMAN. That is, provided that it does not interfere with the functioning of your organization.

Mr. NELSON. Exactly. We are attempting to do that by eliminating the waste that comes in while building an organization, but we have had more careful studies made, we have had groups analyzed, sent questionnaires to the employees, and we have found cases where the people were not employed more than 3 or 4 hours a day. Now we are trying to bring to light every case where that occurs and we have an excess of personnel; we are trying to run it as you would a business. But all that I am pointing out is that a business conducted for profit is one thing and a business conducted for the prosecution of the war is another thing.

The CHAIRMAN. And what you are looking for is results?

Mr. NELSON. That is right, sir.

The CHAIRMAN. Do you anticipate any further expansion in 1944? Will there be any reduction in 1944?

Mr. NELSON. We are trying to get up to this figure and stay there.

The CHAIRMAN. You want it to be stable?

Mr. NELSON. That is what we want to stabilize on.

TRAVEL EXPENSES

The CHAIRMAN. Your travel is \$1,207,000. The original allocation for travel was \$6,416,812.

What is your monthly rate of expenditure for travel?

Mr. CAWLEY. For the first three quarters we spent \$5,225,950 for travel, which would make our monthly average approximately \$600,000.

Mr. TABER. What was that figure, again?

Mr. CAWLEY. \$5,225,950.

The CHAIRMAN. That is for 3 months?

Mr. CAWLEY. The first three quarters, sir, so that the average is about \$600,000 a month.

The CHAIRMAN. As of April 30 how much was the travel allocation overobligated?

Mr. CAWLEY. We have not overobligated or overexpended travel. As a matter of fact, in our justifications we explain that the increased requirement for travel is due to the increased number of dollar-a-year men that we are using in the Board. Our experience has been that a dollar-a-year man costs roughly \$3,600 per year, which is largely per diem in lieu of subsistence.

Mr. WOODRUM. Do you have 840 of those now?

Mr. CAWLEY. A few more than that, about 850. We have used an average for the year in computing our supplemental requirement for this type of travel. This increase is approximately \$1,584,000. This estimate has been reduced by \$377,000 through savings in regular travel.

The CHAIRMAN. In the justifications on page 15 there, you say that this excess travel more than you expected was due to the fact that you employed a number of dollar-a-year men.

Mr. CAWLEY. That is correct.

The CHAIRMAN. That being true, if the dollar-a-year men were employed in place of per-annum paid personnel there would be a corresponding saving in salaries that would offset the travel cost of the dollar-a-year men?

DATA ON AVAILABLE FUNDS, OBLIGATIONS, AND REQUIREMENTS

Mr. CAWLEY. That is true, but we have already absorbed 50 percent of the salaries required in connection with our new programs. Also, there has been a definite limitation on travel as required by the 1943 appropriation. I have prepared for your committee two tables, one of which shows our obligations to date, and the requirements for the balance of the year.

The second table shows our recruitment program by months, showing as against what we could have spent under the original appropriation, what we had to spend because of the new programs. I would like to insert these in the record for your review.

The CHAIRMAN. Yes; if you will.

(The tables referred to are as follows:)

TABLE I.—Statement of available funds and estimated requirements for the fourth quarter, fiscal year 1943¹

Object	Obligations, July 1, 1942, to Mar. 31, 1943	Funds avail- able	Balance available	Fourth- quarter re- quirements	Supple- mental re- quest
01 Personal services.....	\$40,608,088	\$54,331,363	\$13,723,275	\$14,525,275	\$802,000
02 Travel.....	5,225,950	6,416,812	1,190,862	2,397,862	1,207,000
03 Transportation of things.....	47,819	62,711	14,892	14,892	0
04 Communications.....	2,617,601	2,972,215	354,614	758,614	404,000
05 Rents and utility services.....	1,105,998	1,470,509	364,511	364,511	0
06 Printing and binding.....	1,345,127	1,287,000	58,127	377,873	834,000
07.1 Special projects:					
Research.....	900,375	1,500,000	599,625	2,379,625	1,780,000
Other.....	3,955,788	5,612,620	1,656,832	1,656,832	0
07.2 Miscellaneous contractual services.....	261,202	507,546	246,344	246,344	0
08 Supplies and materials.....	880,062	1,176,296	296,234	296,234	0
09 Equipment.....	958,063	1,091,228	133,165	133,165	0
Total.....	57,906,073	76,428,300	18,522,227	23,549,227	5,027,000

¹ The above amounts do not reflect obligations or requirements for overtime payments under Public Laws 821, 77th Cong. or 49, 78th Cong.

² Credits.

³ Includes provision for \$226,000 representing estimated unbilled cost of overnight printing from Government Printing Office, as of Mar. 31, 1943.

TABLE II.—*Effect of new programs on original projected operating plan,¹ fiscal year 1943*

Month and year	Obligations						Original projected plan	
	Original programs		New programs		Total		Positions	Amount
	Posi- tions	Amount	Posi- tions	Amount	Posi- tions	Amount		
July 1942	18,352	\$3,734,420	150	\$36,650	18,502	\$3,771,080	18,526	\$3,770,000
August 1942	19,322	3,917,611	154	37,740	19,476	3,955,351	18,925	3,870,000
September 1942	19,745	4,139,887	185	45,035	19,930	4,184,922	19,320	3,970,000
October 1942	20,033	4,361,344	240	61,035	20,273	4,422,379	19,710	4,070,000
November 1942	20,419	4,398,544	399	117,740	20,818	4,516,284	20,288	4,220,000
December 1942	21,215	4,671,343	451	144,395	21,666	4,815,738	20,859	4,370,000
January 1943	20,860	4,580,527	745	201,885	21,605	4,782,412	21,607	4,570,000
February 1943	20,831	4,766,529	831	225,620	21,662	4,992,149	22,342	4,770,000
March 1943	20,685	4,928,623	883	239,150	21,568	5,167,773	23,062	4,970,000
April (estimated)	20,157	4,758,015	843	225,260	21,000	4,983,275	23,735	5,160,000
May (estimated)	19,657	4,616,740	843	225,260	20,500	4,842,000	23,950	5,221,000
June (estimated)	19,157	4,474,740	843	225,260	20,000	4,700,000	24,607	5,370,363
Total		53,348,333		1,785,030		55,133,363		54,331,363

¹ The above amounts do not reflect obligations or requirements for overtime payments under Public Laws 821, 77th Cong. or 49, 78th Cong.

COMMUNICATIONS

The CHAIRMAN. Now, you have a deficit of \$404,000 in communications against an original allotment of \$2,972,215. What are your communication obligations up to April 1?

Mr. CAWLEY. \$2,617,601.

The CHAIRMAN. And April 30?

Mr. CAWLEY. I do not have them up to April 30. I will include it in the record if you like.

(The matter referred to is as follows:)

Communications—Obligations and anticipated requirements, fiscal year 1943

Obligations:

July 1, 1942, to Mar. 31, 1943	\$2,617,601
Apr. 1943 (estimated)	281,955
Estimated, May 1 to June 30, 1943	476,659

Total requirements	3,376,215
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The CHAIRMAN. How much a month are they running now?

Mr. CAWLEY. For the first 9 months the average monthly obligation was \$290,000.

I would like to explain in connection with communications, if I may, that our original estimate was too low. We only provided \$108 per employee per year.

The CHAIRMAN. How do you account for that error?

Mr. CAWLEY. Lack of operating experience, sir.

The CHAIRMAN. What was it that you had not foreseen?

Mr. CAWLEY. We were not able to foresee fully the requirements of the War Production Board for this item.

LONG DISTANCE TELEPHONE CALLS

The CHAIRMAN. How much of this is for long-distance telephoning, and are you taking any steps to control long-distance telephoning? I have heard it said that anybody can pick up the telephone and talk

to San Francisco for 3 hours, and that it would be charged to the Government.

Mr. CAWLEY. I would like to outline our methods for controlling and reducing these costs.

The CHAIRMAN. If you will.

Mr. CAWLEY. Early in the fiscal year, we observed that we could not operate on \$108 per person per year for communications. We found that our going rate was about \$170 per person per year.

The CHAIRMAN. Was that a reasonable rate, the \$170?

Mr. NELSON. We thought that it was too high.

Mr. CAWLEY. We made an investigation and decided that the first thing we should do would be to have each supervisor in the Board certify as to the official nature of the long-distance calls made by his employees, so that he would know how long-distance facilities were being used. As the result of these certifications, and our periodic itemization of these costs for each of the major operating officials in the Board, we have reduced the departmental cost of long-distance telephone calls from a peak of \$30,000 per week in November to \$21,000 per week in the month of April. However, it should be pointed out that approximately \$3,000 of this \$9,000 weekly savings is due to reductions in rates.

The CHAIRMAN. That is a fine record, but there is evidence of the fact that there had been considerable waste there?

Mr. NELSON. There had been.

Mr. CAWLEY. If the committee would like, here is a report that is being sent to the various vice chairmen of the Board, showing the monthly cost by units of organization for printing, long-distance telephone calls and travel.

The CHAIRMAN. And you think that you have established a routine in which you have eliminated all unnecessary long-distance telephone calls?

Mr. CAWLEY. We are working in that direction.

The CHAIRMAN. And you have reduced long-distance telephone calls to a minimum?

Mr. CAWLEY. We are cutting out quite a number of telephones. We are also limiting many lines to Government switchboard calls only. Also, we have a very good system of reviewing telegrams before they are dispatched.

Early in the fiscal year, we made a sample test of 518 telegrams that went through our telegraph unit and discovered that by careful methods of selection for dispatching we made substantial savings on these 518 telegrams.

Mr. LUDLOW. What is your preferential rate on telephones or telegrams?

Mr. CAWLEY. I do not have that.

Mr. LUDLOW. You get the Government rates?

Mr. NELSON. Yes.

The CHAIRMAN. What is your deficit as of April 30 for communications?

Mr. CAWLEY. We had no deficit as of April 30, but we will require \$404,000 for the balance of the year. We are bringing the rate down to \$150 per person per year, a saving of \$20 per person per year.

PRINTING AND BINDING

The CHAIRMAN. In printing and binding the deficit runs \$834,000. The original allocation under this heading was \$1,287,000, and this deficiency is about a two-thirds increase. That is a very large increase.

Mr. NELSON. It is, sir.

The CHAIRMAN. How much of that \$1,287,000 is obligated up to this time?

Mr. CAWLEY. The obligations are \$1,345,127. This figure excludes some unbilled overnight printing work done by the Government Printing Office.

Mr. TABER. As of what date?

Mr. CAWLEY. March 31.

The CHAIRMAN. How much are you spending per month? What are your monthly obligations running at this time?

Mr. CAWLEY. The monthly obligations are \$150,000 to \$200,000. I have the detail of our actual and estimated obligations for the full fiscal year which I would like to insert in the record.

The CHAIRMAN. If you will.

(The matter referred to is as follows:)

TABLE III.—*Estimated printing obligations by programs and months, fiscal year 1943*

	July	August	September	October	November	December	January
War production drive.....			\$1,175	\$9,850	\$2,666	\$15,755	\$18,005
Salvage for victory.....	\$6,580	\$11,888	4,535	21,290	23,630	5,660	23,612
Priority orders and forms.....	84,380	93,401	59,578	89,005	148,387	87,742	82,372
Information division.....						2,500	3,170
War production news.....	7,000	9,930	34,217	23,091	15,619	20,621	17,714
Miscellaneous.....	34,040	24,620	46,712	40,645	39,450	25,790	45,686
Total.....	132,000	139,839	146,217	183,881	229,752	158,068	190,559

	February	March	Total, 9 months	Estimated			Fiscal year total
				April	May	June	
War production drive.....	\$26,995	\$27,970	\$102,416	\$11,500	\$8,000	\$16,484	\$138,400
Salvage for victory.....	21,290	23,630	142,115	3,100	12,455	6,000	163,670
Priority orders and forms.....	100,180	99,319	844,364	105,000	105,340	106,726	1,161,430
Information division.....	8,380	9,340	23,390	8,870	8,870	8,870	50,000
War production news.....	14,533	14,567	157,292	14,236	14,236	14,236	290,000
Miscellaneous.....	21,856	22,751	301,550	35,290	35,310	35,350	407,500
Total.....	193,234	197,577	1,571,127	177,996	184,211	187,666	2,121,000

¹ Includes provision for \$226,000, representing estimated unbilled cost of overnight printing from Government Printing Office, as of Mar. 31, 1943.

The CHAIRMAN. What do you think will be required for May and June?

Mr. CAWLEY. For May and June we estimate that we will need about \$372,000.

The CHAIRMAN. Well, in view of the fact that the bill cannot pass in time to make this money available much before the 1st of June, you would have only about a month then? Could you

use all of this money for printing and binding for which you are asking here?

Mr. CAWLEY. Yes; because of the necessary deficiencies we have incurred to date. I would like to explain this matter: The greater portion of this deficit incurred by the Board has been due, first, to the great increase in the printing requirements in connection with the control materials plan and production scheduling; secondly, by the necessity, which we discovered at the beginning of the fiscal year, for fast reproduction of public orders and forms.

When we came before this committee last year, we had provided that a large proportion of this material, which is now printed, would be duplicated by mimeograph or multilith processes. However, we discovered that after proposed orders had been discussed with industry advisory committees, and the orders had been released to the press, the demand for copies of these orders and forms was very high. We were not able to meet the demand in time. With the aid of the Government Printing Office, we have developed a fast overnight printing service with a capacity of from two to ten million impressions per night, so that if a particular press release announcing an order were to be issued this evening, copies of the order and copies of the forms necessary for industry to execute, would be in the mail by tomorrow morning.

Mr. NELSON. That is very important. May I just emphasize the importance of that? You see, these orders are discussed with an industry committee. There are 540 of these industry committees that work with our people, and I absolutely insist that we do not issue an order until that order has been thoroughly discussed with the industry to get the benefit of all the thinking of how it will apply, and what the ramifications are, whether or not there are injustices to it, and whether or not there is discrimination in it.

Now, having done that, we find that unless we immediately get out an order there are definite justifiable charges of discrimination against us because we have discussed it with, say, 20 members of the industry and another 3,000 or 5,000 or 15,000 have not heard about it. So we get discrimination charges that these people had unfair advantage because they knew beforehand and were able to adjust their businesses. So we found that the way to prevent that, as nearly as we could, was to go to this tremendous rush printing job and the minute this thing was discussed and ready to go and signed, it would be immediately gotten out so that there could not be any justifiable criticism. We try to have these committees representative of the large, medium, and small firms.

The CHAIRMAN. Do you find that the most effective routine in meeting the situation?

Mr. NELSON. It has met it so far. Those complaints have been reduced tremendously and the complaints of course come into the Congress immediately when one of your constituents feels that he has been discriminated against. He comes to you. We try to watch those most carefully and get up our system to prevent it. We do not want that sort of thing. It is not American. It is not democratic.

The CHAIRMAN. You seem to be meeting the situation satisfactorily in that respect.

What is the character of that printing? Are they periodicals, publications, or propaganda and public-relations publicity, or all forms, manuals strictly business in connection with necessary operations of the work?

Mr. NELSON. I do not know of a single piece of propaganda, sir, because we do not believe in it. If that is to be done, it is done by other agencies of the Government. Ours is a war-production job.

The CHAIRMAN. It is not advertising?

Mr. NELSON. It is not advertising, sir. We feel that our job is to keep the public well informed.

WAR PRODUCTION NEWS PUBLICATION

Mr. LUDLOW. Will you tell us about the War Production News, the function of that? Is that a publication?

The CHAIRMAN. We will take that up later.

Mr. NELSON. It is quite an important part of our printing, sir.

Now, we have found that we could get more subcontracting if we could disseminate the information out among the smaller manufacturers in a district if we told them what work was available.

I think that we have a sample of that here. This is an important thing, and I am going to see that it is pushed even harder. We have experimented now in each of the different regions with eight different methods.

The CHAIRMAN. The committee will find the justification on page 18.

Mr. NELSON. I would like to have you look at this because I think it has more than justified itself. It is a mechanism by which we can get out to the manufacturers what war work is going to be subcontracted.

The CHAIRMAN. How many copies do you publish, Mr. Nelson?

Mr. CAWLEY. It averages about 10,000 copies per week per region.

The CHAIRMAN. How often does it come out?

Mr. NELSON. About once a week.

The CHAIRMAN. Is it cumulative, or is it completely new each month?

Mr. CAWLEY. It is practically new.

Mr. NELSON. Most of this is new. If we have not been able to get the thing subcontracted, then we repeat it. What we have attempted to do is to disseminate the information among the manufacturers in a region. We have done a great deal of experimentation with this to try to get the right mechanism. This is an outgrowth, may I say, sir, of what you probably heard of as the Stanley plan. We had a man by the name of Stanley who got up a method of coding work required so that the manufacturer, the small one, who had a few machines could look over the work required and see whether his machinery was adapted to it, and if so, was put directly in touch with the manufacturer who wanted the subcontracting work done.

The CHAIRMAN. How is it distributed?

Mr. NELSON. It is distributed to a regular mailing list, or on request, in the region. This is done in the Chicago region, or the Boston region, Indianapolis, or wherever it may be.

The CHAIRMAN. It is not in any case distributed on subscription?

Mr. NELSON. No, sir.

The CHAIRMAN. And about what is the cost of it?

Mr. CAWLEY. Approximately \$150,000 for the first 9 months, and \$50,000 for the balance of the year. We have been streamlining it as much as we can.

Mr. LUDLOW. You have a \$50,000 item in this?

Mr. CAWLEY. Yes.

Mr. NELSON. This helps us to get the news to the manufacturers who have idle machinery.

The CHAIRMAN. It helps both the Government and the manufacturer.

Mr. NELSON. Yes. It helps us get the work done, and that is what we are trying to do.

ALLOTMENTS OF FUNDS FROM THE PRESIDENT'S EMERGENCY FUND FOR
SPECIAL RESEARCH PROJECTS

The CHAIRMAN. These special projects we were discussing a while ago, I notice that you have \$1,000,000 from the President's fund.

Mr. CAWLEY. Yes.

The CHAIRMAN. How did you come to secure that allocation?

Mr. CAWLEY. We applied to the Bureau of the Budget for an allocation of \$1,000,000 from the President's fund.

The CHAIRMAN. What was the special need?

Mr. CAWLEY. The money originally appropriated was not sufficient. It ran out early in the year. And it was upon Dr. Davis' application that we requested the Bureau of the Budget to ask for \$1,000,000.

The CHAIRMAN. That gives us \$1,500,000.

Mr. WIGGLESWORTH. What item?

Mr. CAWLEY. Scientific research.

Mr. NELSON. We did not give Dr. Davis a chance to really tell you about that work.

The CHAIRMAN. When will you be out of cash, Mr. Nelson?

Mr. CAWLEY. I believe, if I might answer that question, we will have difficulty in meeting our June 2 pay roll.

The CHAIRMAN. You can meet your May 15 pay roll?

Mr. CAWLEY. Yes.

The CHAIRMAN. You can meet your pay roll at the end of May?

Mr. CAWLEY. No, sir.

The CHAIRMAN. Are you uncertain about that, or are you positive?

Mr. CAWLEY. Positive.

The CHAIRMAN. Are you positive that you cannot meet it?

Mr. CAWLEY. Without, one, this deficiency, or, two, the overtime appropriation.

AUTHORITY FOR PURCHASE OF AUTOMOBILES

The CHAIRMAN. I see that you have some new language in the Budget estimate. You have here an appropriation providing for the purchase or hire of 15 automobiles. Why do you need these automobiles?

Mr. NELSON. Well, sir, transportation is getting to be a very difficult thing for us. In the first place, we are trying to administer this job in 23 different buildings in this town. I think that the automobiles will justify themselves. We try to be very strict, and have been, about using cars.

The CHAIRMAN. How many do you have now?

Mr. CAWLEY. We have 15 station wagons and Crosley cars which the War Production Board wants to buy or hire, and in addition to that we have about 18 passenger-carrying limousines, which are provided by the Office for Emergency Management.

Mr. NELSON. They are really not limousines.

The CHAIRMAN. Does not your central administrative agency provide car service? Do they not maintain a pool of cars for this purpose?

Mr. CAWLEY. They do not maintain a pool of cars for the purpose for which we are asking these 15 cars.

Now, included in this item are nine station wagons which are used for our interbuilding mail transportation, and to transport messengers among the various buildings. Those station wagons run on a definite schedule.

Now, in addition to that, we want authority to use six Crosleys. They are very small cars, and we use them in the transportation of secret and confidential documents throughout the Government. Motorcycle messengers are not suitable for this purpose. In addition, we have difficulty in securing motorcycle repairs.

I have checked on the use of the Crosley cars very thoroughly and I discovered much to my amazement that each one of those cars makes an average of about 50 trips a day.

Mr. WOODRUM. What kind of car is that?

Mr. NELSON. A little bit of a car.

Mr. WOODRUM. A midget car?

Mr. NELSON. Yes.

Mr. CAWLEY. We have high-caliber persons driving the cars, each of whom are paid \$1,800 per year, and they personally carry confidential documents to the State Department, the Navy Department, the War Department, or wherever they are required, and deliver them.

The CHAIRMAN. What do you expect to pay for these cars?

Mr. CAWLEY. I have forgotten the cost.

The CHAIRMAN. You have six station wagons and nine Crossley cars; is that what you are asking for?

Mr. CAWLEY. Six Crossley cars and nine station wagons.

The CHAIRMAN. And you say that you cannot give us any idea of what these will cost?

Mr. CAWLEY. We will be able to finance those out of our funds already made available, and will include in the record a statement of the cost of those cars.

(NOTE.—These cars cost approximately \$733 each.)

The CHAIRMAN. You are not asking for any more money; you are merely asking for authority to buy?

Mr. CAWLEY. Yes. We want the authority to purchase.

REIMBURSEMENT TO PERSONNEL FOR USE OF PRIVATELY OWNED AUTOMOBILES

The CHAIRMAN. You are asking here for reimbursement at not exceeding 3 cents per mile of employees for expenses incurred by them in performance of official travel in privately owned automobiles within the limits of their official stations. Will there be any saving in this or will it enable employees to cover more territory or get more liberal gas rations?

Mr. CAWLEY. There will be a considerable saving, sir. If the Board supplied the number of automobiles required, the cost would be high and still would not permit the employees of our regional offices to cover the territory that the use of a privately owned automobile would at 3 cents a mile.

The CHAIRMAN. This is not especially attractive to the employee in view of the fact that it enables him to get an unlimited quantity of gasoline?

Mr. CAWLEY. They just refuse to use their own cars without reimbursement because of the wear on tires, and it is probably the last car that they will get for some time.

The CHAIRMAN. The wear and tear on their cars offsets the liberal amount of gasoline?

VALUE OF DECENTRALIZATION OF PAPER WORK FROM WASHINGTON TO THE
VARIOUS REGIONS

Mr. NELSON. May I explain, sir, what we are trying to do? I think if you see what we are trying to do, you will appreciate the necessity for it.

We are decentralizing more and more of this paper work out of Washington out into the region, and we want our men there to be close enough to these manufacturers so that they can immediately check it up without having to go through a lot of red tape. They can go immediately and see if this manufacturer is out of material, and they have got to do something immediately. They can do that, and we want our people close enough to the problem. I have in mind putting in a system whereby we will have a man in a regional area handling 100 plants, and know all about them, know about whether they have excessive inventories.

One of our difficulties in the distribution of this material is to prevent the accumulation of excess inventories, either because the contract has been canceled, because the manufacturer has ordered more than he needs, or there has been a change in the material, and I feel that the more our people circulate among the manufacturers and know what their situations are, and know what they need, what their troubles are and their problems are, the quicker we can do the job of distribution.

I doubt whether anybody appreciates what it has meant to change over the entire system of distribution of materials from a competitive system to a controlled system, and that is what we have done. We have changed over the entire competitive system in the distribution of materials. We have had to because we have had to allot it for specific purposes, and we have done it, we believe, in as democratic a way as we can.

We have made a lot of mistakes. Nobody will acknowledge that quicker than I, but as we get in more knowledge of how to do it, how to do it quickly so that we cannot have delays caused by the fact that a man needs material but cannot get it, we can eliminate that problem.

Now, if we can, within regions, redistribute inventories, and have the manufacturer know the man with whom he works and our man knows all about the manufacturer's situation so that the manufacturer does not have to write or come down here to Washington to get these

things done but can get them done right in the region where it should be, that will certainly help out. Our whole attempt has been to build up regional organization in order that we can prevent the flow of this stuff into Washington, and a great deal of our improvement in the whole distribution scheme has been the decentralization and the knowledge that a man has of the manufacturer and the actual conditions.

ACTIVITIES IN CONNECTION WITH PROBLEMS OF SMALLER WAR PLANTS

One more thing that we are doing. I think it is highly important in trying to solve this smaller war plants problem, and that has been a terrific job to try to solve. Out in the regions we are trying to learn what the situation is with respect to the small fellow without having him have to holler all the time. We want to know when he is in distress. We want a man who knows what he can do. So if manufacturer X needs more business, and he is fully equipped to handle it, they can put him in touch with somebody who can help him out—either the Army, the Navy, the Maritime Commission, the railroads, or the essential civilians, and General Johnson tells me now—I hope this is true, and I have great confidence in him—that he has the list of distressed war plants down to 2,500. If that is true, it is one of the greatest accomplishments of this war that Bob Johnson has done. If he has reduced it to 2,500 out of the hundreds of thousands who you know have appealed to members of Congress, if we have done that, it is a great accomplishment. We want to reduce that still further, even 2,500 in the United States is too many. We want to have these men out in the regions knowing about the situations of all the manufacturers. We want the men to be familiar with the facts, know these people by their first names so immediately there is a contract and immediately there is action. I do not say that we have done that job, but if we can do that we will have accomplished a great deal.

The CHAIRMAN. You are dealing with vast activities, and you are handling matters of further reaching importance than most of us realize, that changing from a competitive system to—what did you call it?

Mr. NELSON. A controlled economy of distribution.

The CHAIRMAN. That in itself is a huge accomplishment.

Mr. NELSON. That has been done.

FUNDS TRANSFERRED FROM SMALLER WAR PLANTS CORPORATION

Mr. O'NEAL. May I ask something about the smaller war plants? As I understand it, Congress provided \$150,000,000 as a loan fund to be used to help the smaller plants out. I notice on your page 4 here that you have \$7,500,000 transferred from the smaller war plants.

Mr. NELSON. That was operating expenses for work performed on their behalf.

Mr. O'NEAL. That was given to them, as I understand it, as a loan fund. Will that be returned to them?

Mr. NELSON. No, sir; this was not from the loan fund. This was from the bill. Under the bill they had also a provision for their operating expenses.

Mr. O'Neal. But not any such amount as that, as I understand.

Mr. Cawley. It was provided in their 1943 appropriation.

Mr. O'Neal. And you say that you are not sure you have the money there that belongs to that operating fund? I have heard a lot of complaint about that. I heard that they have put it over there and cannot get it back from you gentlemen.

Mr. Cawley. I think we have it settled now, and the last thing I heard was that they are satisfied.

Mr. O'Neal. I think they are satisfied because they cannot do anything about it.

Mr. Nelson. There may be some question about it. There has been a difference of opinion as to whether man X worked for Smaller War Plants Corporation.

Mr. O'Neal. They are hollering for more money because you gentlemen will not give it back to them.

Mr. Cawley. May I answer that? First of all, the Corporation's Appropriation Act provided that the Smaller War Plants Corporation would reimburse the War Production Board for services rendered, \$7,500,000. That was the original plan, and the law provided that this money was to come from the corporate funds. Under that law we serviced them for about 9 or 10 months of the year. We finally met with the Board of Directors and it was decided that they should handle these services themselves, and on what basis we would render an accounting to them for costs to date. We promised to give them an estimated accounting; we had set up no elaborate cost accounts because it was too expensive and not contemplated in the law. They requested funds for operations during the remaining months of the fiscal year and we have given them what they requested.

Mr. O'Neal. You feel that you are doing right by Little Nell?

Mr. Nelson. I would think so, sir.

Mr. Cawley. They seem to be satisfied.

Mr. Rabaut. Mr. Nelson, who is it that has charge of checking up on machinery, the use of machinery? Now, some big plants—and I come from the Detroit area—some big plants have any number of machines standing there that are not used and other small plants are actually crying for them, and these machines have never turned a wheel. They have got new machines coming in. What about that?

Mr. Nelson. We are tightening up on that tremendously.

Mr. Rabaut. I know of a young man up in Detroit—I am not going to mention any names—who asked for the use of about five machines and had a crying need for them, and he had the orders and the rough stock there to work. But those machines stood and stood and stood, and I do not think they have turned a wheel to this day. These people still have the material setting there.

Mr. Nelson. There have been instances of that kind and we are tightening up on that all the time.

Mr. Rabaut. I am coming down to talk to you about it.

Mr. Nelson. I will be delighted to have you come.

Mr. Rabaut. I know that you have a heavy responsibility, but that is something that I think needs attention.

Mr. Nelson. We try to check over every one of those cases and see if there is a flaw in our system. I shall be delighted to have you point it out to me.

TEMPORARY EMPLOYMENT OF PERSONS BY CONTRACT OR OTHERWISE

The CHAIRMAN. There is just one more item here. You are asking for \$20,000 for the temporary employment of persons, either by contract or otherwise, without regard to civil-service classification laws. Why would that be necessary?

Mr. NELSON. May I tell you about that program? I think it is well worth while. It has been a subject of a great deal of discussion, argument, and investigation. There was a Colonel Paul who worked for the Maritime Commission, a man who impressed me tremendously, a patriotic citizen who had a contract with the Maritime Commission whereby he would hire men who had come back from service wounded, or torpedoed seamen, men who had been in combat and had lost a leg, an arm, or were otherwise incapacitated, and would train them as speakers to go around and talk to war plants, to bring home to the workers what the war really meant, and to try to bring about in them a greater enthusiasm to do their job. And the Maritime Commission decided that was work which ought probably be done by all the agencies rather than by just the Maritime Commission, and suspended the contract.

We talked to Colonel Paul. He came to see us, and I have been tremendously impressed with him and by these men that he has. Now, he trains them. It is a patriotic service without profit to him or anybody.

The CHAIRMAN. He is a man of independent means?

Mr. NELSON. A man of independent means. He impresses me as a very patriotic citizen who really wants to do a job of bringing home to the war workers the fact that the job they do is highly important. We have checked on plants that have had these men appear and the production goes up after they have been there. We have a tremendous number of requests.

The CHAIRMAN. It is successful by actual test?

Mr. NELSON. By actual test, sir. Now, of course, we could have them pay for themselves, but I do not feel that we ought to go into that sort of thing.

The CHAIRMAN. You do not think this is too much money for 1 month?

Mr. NELSON. I think, sir, that it is not, and I believe that their actual results in increasing production are worth the cost. If I did not, I would not recommend it.

The CHAIRMAN. It has been up to this time?

Mr. NELSON. It has, by actual test. We would be glad to go into the letters, sir, from the manufacturers showing what this has actually done in their plants in decreasing absenteeism, in increasing production, decreasing labor disturbances, and helping improve relationships within the plants by bringing home to the worker more graphically what the war really is because they personalize it.

The CHAIRMAN. Some man that spends 42 days in the Pacific on a raft brings it home to them.

Mr. NELSON. That is right.

LUMBER PRODUCTION PROGRAM

Mr. CAWLEY. I just had a call from the Bureau of the Budget and they asked me to put one matter in the record.

The CHAIRMAN. They will submit it in writing?

Mr. CAWLEY. We have made provision in our 1944 Budget for a \$1,000,000 transfer to the Department of Agriculture for services or work which we will ask them to undertake for us. Now, that project will require something like \$200,000 for the balance of this year.

The CHAIRMAN. The balance of 1943?

Mr. CAWLEY. For the balance of 1943, \$200,000 will be required.

Now, it is not that we are going to ask for an increase in this deficiency, but we wanted your committee to have knowledge of this request. The Bureau of the Budget is considering the method of financing this request for the balance of the current fiscal year. I would like permission to insert a statement on this program in the record.

(The matter referred to is as follows:)

With the outbreak of the war there was a realization of a shortage of critical materials, necessary for war production, which brought about a program of conservation and substitution. In the early part of 1942, it was determined that lumber was soon to join the expanding list of critical materials and it was agreed that unusual action was needed to maintain the output of forest products at a high level as an essential aid in the prosecution of the war. On November 20, 1942, a proposal, known as the forest products service plan, was issued to stimulate the output of lumber and other forest products.

The forest products service plan was to provide advisory, technical, cooperative, and financial services to the lumber industry but in so doing would have placed the Government substantially in the lumber business. This program, which among other things would have subsidized sawmills, established log-buying stations and stockpiles, was to have been conducted through a revolving fund of approximately \$200,000,000 to be made available by the Commodity Credit Corporation. In addition, the administrative expenses for the operation of the program were to be secured from the Civilian Conservation Corps, the War Production Board, emergency fund for the President, or direct appropriation. Due to the widespread opposition as evidenced by the lumber industry, the Congress, the President and others, the program was abandoned.

The War Production Board, having the sole responsibility of war production, realized that for the successful prosecution of the war, it was absolutely essential that lumber production be maintained at the highest possible level. With the cooperation of the Forest Service, a simpler and a more generally acceptable plan was devised. This present plan, which has the approval of the President and was referred to in his release of February 26, 1943, also has the approval of the lumber industry because the objectionable features which would put the Government in the lumber business have been removed. Outlined below are the functions of this new plan featuring service to the lumber industry which will be performed by the War Production Board through the use of the Department of Agriculture, Forest Service:

1. ADVISORY SERVICE TO INDUSTRY

(a) Assist timber operators and owners to secure firm contracts for their output at a fair price and thereby establish a basis for adequate credit mainly through private channels.

(b) Provide advice and information as to specifications and types of production needed to meet the requirements for war and essential needs.

(c) Explain orders and regulations issued by the War Production Board and other governmental agencies to provide for more effective compliance.

(d) Advise and instruct loggers and other operators in the use of Government forms for obtaining preference ratings for needed operating and maintenance equipment and repair parts.

(e) Aid in the placement of unusual war or essential civilian lumber orders.

2. TECHNICAL SERVICE

(a) Help plan the development of and assist in presenting the need for access and other logging roads under the Access Roads Act and otherwise.

(b) Advise and encourage increased use of so-called inferior and more available species in the place of less available species, whenever justified by technical findings.

(c) When establishment or modification of ceiling prices are deemed necessary obtain factual data and information needed.

(d) Provide engineering consulting service for the most efficient and economical logging and milling techniques.

(e) Supervise timber marking and harvesting on private estates where cutting without technical supervision is not now permitted.

(f) Make mutually available all information at the disposal of the Forest Service and the War Production Board, Lumber Division, and their respective field representatives engaged in the activities mentioned.

3. COOPERATIVE SERVICE

(a) In cooperation with the United States Employment Service and the War Manpower Commission, aid in locating and transporting labor for the industry.

(b) In cooperation with the United States Employment Service and the War Manpower Commission, aid in obtaining greater employment of women in the industry.

(c) In cooperation with the War Manpower Commission and the Office of War Information provide information and make patriotic appeals to management and labor to obtain greater production.

(d) Locate stumpage for existing operations and put operators in touch with owners of merchantable forest products, utilizing as far as possible the cooperation of State foresters and State extension foresters.

(e) In cooperation with the Selective Service System help to present the draft deferment needs of logging and milling operators before local selective service boards.

(f) In cooperation with other appropriate Government agencies, help to present the needs of logging and milling operators before local ration boards for tires and other rationed articles.

4. SPECIFIC PROJECTS

The War Production Board has found it necessary to inaugurate several programs dealing with specific production requirements, i. e., aircraft lumber, etc. These projects call for either stimulated existing production or in many cases an entirely new conception of the production of a particular species of wood. This is a highly technical job, involving much work in the field along the lines that the Forest Service is well qualified to do. An example of such a program is that involving southern yellow poplar aircraft lumber and veneer which is quite well along now under direct War Production Board action. On similar projects the Forest Service may be asked to assume the responsibility for consummation of the production objective insofar as the following functions would be concerned.

(a) Full investigation and information of: (1) The suitability of the wood for the purpose intended; (2) the availability of the raw material supply; (3) the manufacturing facilities available; (4) the manufacturing facilities needed, if any; (5) a definite recommendation as to whether the program should be undertaken or not.

(b) Responsibility for making available timber supplies, manufacturing facilities, and other implements of a physical nature.

(c) Promulgate any necessary specifications of a special nature.

(d) Educate the industry in securing such specifications by proper use of raw material.

(e) Provide any technical information to the industry which is required by them in their production problems.

(f) If financial aid is necessary, decide in agreement with the War Production Board, Lumber Division, which form of financial aid is needed and assist in implementing such decision. This might take the form, as circumstances require, of log or lumber pools, direct financial aid to manufacturers, logger, or

timber owners. Existing manufacturing facilities would always be utilized but might involve relocation. Funds of the Government financing agency best suited to the circumstances shall be used. Neither the War Production Board nor the Forest Service will operate manufacturing facilities.

The activities of the Forest Service, through their appropriation, are mainly limited to reforestation and conservation of available stumpage. The facilities of the Forest Service will be utilized in carrying out the increased production program sponsored by the War Production Board but it is estimated that this will necessitate a reimbursement of \$200,000 during the balance of the fiscal year 1943 and \$1,000,000 during the fiscal year 1944. Provision has been made for the latter amount in the Budget estimates for the War Production Board for fiscal year 1944.

Mr. WIGGLESWORTH. What is the program?

Mr. NELSON. It is increasing lumber production, sir. Lumber is now one of our very scarce things, and we have been working with the Forest Service to, first, try to get more small producers into the picture to get better utilization of timber itself, and also to get work done for us in connection with the use of different products by the Forest Products Laboratory. It is a very valuable piece of work, we believe, in helping increase the lumber supply.

The CHAIRMAN. Do you expect to give some of this money to the Forest Products Laboratory?

Mr. NELSON. No.

The CHAIRMAN. We have made very little appropriation for it.

Mr. NELSON. This is work that the Department of Agriculture says it can not do under its budget. That is what they have told us.

The CHAIRMAN. In what respect? I cannot imagine in what respect it would differ from the work that they have been doing for years with a very little appropriation.

Mr. NELSON. They came up to me about 5 or 6 months ago, and I will have to refresh my memory on that.

Mr. WOODRUM. Is this the same program that has been pending in the Budget on the President's desk for some time, which has been a very violent controversial matter in the lumber industry?

Mr. NELSON. This is not that. I do not think so, sir. It is a question of the conservation of lumber.

Mr. WOODRUM. There is a project, and the proposal was made, I think, for about \$1,000,000, or maybe more.

Mr. NELSON. I will have to check that.

Mr. WOODRUM. If that is that item, I think that I would like to know about it because I know that the lumber industry was violently opposed to that program.

Mr. NELSON. We were violently opposed to that.

Mr. WOODRUM. I understood at the time that the Budget was, but if that has been cleared and is going to be turned loose, I want to know about that.

Mr. NELSON. May I go into more detail?

Mr. WOODRUM. It has been controversial.

Mr. NELSON. It has been 3 or 4 months since I went into that project.

Mr. WOODRUM. Will you put a pretty full statement of what this is, and a statement as to whether or not it is in any way connected with that other thing in the record, because if they are connected, why, you would find terrific opposition in the Congress, and if they are not, you ought to make that clear.

Mr. NELSON. I shall be glad to. We were opposed to that conservation plan.

Mr. WOODRUM. Yes.

Mr. NELSON. We thought that it should not be put in in wartime, so I doubt very much whether we have consented to that.

DISCUSSION OF EXPENDITURES AND OBLIGATIONS OF CURRENT APPROPRIATION
AND DEFICIENCY ESTIMATE REQUESTED

Mr. TABER. Mr. Nelson, according to my understanding, we were told that they had a balance on the first of April of \$18,522,000.

Mr. NELSON. An unobligated balance.

Mr. TABER. Now, does this deficiency represent an increase in activities for the last 3 months on a substantial scale over the previous 9 months?

Mr. NELSON. Part of it does, sir. These new programs that I have talked to you about, part of which we have done without asking for increased appropriations, taking them out of our regular operating funds.

Mr. TABER. Now, this is what made me wonder. You take your allocations, your revised allocations of \$76,428,000 and you divide them by four, and it is apparent that your set-up would call for quarterly expenditures of \$19,107,000, and with \$18,522,000 on hand that would leave you short \$600,000 to finish up with, or a little less. I just do not understand how you get \$5,000,000.

Mr. CAWLEY. Mr. Taber, if I may answer that, the \$5,000,000 increase includes, as you know, \$1,780,000 for these research projects, so for the balance of our program there is requested approximately \$3,000,000.

RESEARCH PROJECTS

Mr. TABER. You mean that \$1,780,000 has not been embarked upon?

Mr. CAWLEY. No, sir; not as yet.

Mr. TABER. That is a set-up that will hang over into the next year?

Mr. CAWLEY. Yes.

Mr. TABER. The next fiscal year?

Mr. CAWLEY. Our 1944 budget will include provisions for additional projects, sir.

Mr. TABER. You mean that you will be able to spend from the day that this bill comes through—supposing that it should come through by the 1st of June, in that month you will be able to spend \$1,780,000?

Mr. CAWLEY. Dr. Davis says that he has enough backlog for that, but we have not permitted him to obligate it. I would like to include an exhibit on this backlog.

(The matter referred is as follows:)

OFFICE OF PRODUCTION RESEARCH AND DEVELOPMENT

Research contracts we believe could be closed by July 1 if funds were made available by June 1.

METALS AND MINERALS BRANCH

Current projects that should be renewed before June 30, 1943:

Extraction of alumina from clays by the lime-sinter modification of the Pedersen process; Tennessee Valley Authority; expiration date May 15, 1943; work will not be finished by May 15, 1943, and should be extended by the amount of-----	\$15, 000
Mica splitting; Armour Institute of Technology; expiration date May 15, 1943; is estimated to require the additional amount of-----	20, 000
Furnace and process, for making magnesium by the ferrosilicon method; Surface Combustion Co.; contract expires June 30, 1943, but will run out of funds before then and should be extended by the amount of-----	15, 000
Ferrosilicon method of producing magnesium-----	50, 000
Sources and uses of powdered metals and alloys-----	20, 000
Improved weldability of high-strength alloy steels-----	25, 000
Testing, grading, classifying of mica-----	15, 000
Furnace for magnesium by the ferrosilicon method-----	50, 000
Nodulizing iron ore; utilization of cement kilns in nodulizing-----	30, 000

New projects:

Lead-coating of steel sheet, wire, etc., utilizing salvaged antimonial lead, and containing only minor amount of tin-----	25, 000
Treatment of used brass cartridge cases, particularly to remove antimony contaminants-----	20, 000
Recovery of tantalum from Belgian Congo tin slags; work to be done in a small pilot plant by Fausteel-----	15, 000
Increased top pressure of iron blast furnace to increase production-----	125, 000
Utilization of lower-quality diamonds for octahedrons now used in thread cutters-----	20, 000
Production of steel cylinder heading for aircraft engines from wrought tubing-----	50, 000
Problems of reclamation of turnings, borings, etc., of plain-carbon, low-alloy steels, and other metals-----	50, 000
Development of automatic equipment to gage and sort mica film by thickness-----	25, 000
Development of methods for casting of magnesium, aluminum, and bronze by static, centrifugal, and precision-casting methods-----	75, 000
Development of methods for production of metals for rapid generation of hydrogen-----	25, 000

CHEMICAL INDUSTRIES BRANCH

Motor fuel additional-----	110, 000
Acetylene-----	56, 000
NO (nitric oxide)-----	25, 000
Coke-----	12, 000
Chlorine-----	20, 000
Oxygen-----	45, 000
Benzene-----	20, 000
Cresols-----	10, 000
Reducing agents-----	5, 000

INDUSTRIAL PROCESSES AND PRODUCTS BRANCH

Industrial processes:

Extension of present study of the "lost-wax" process of precision casting, including pilot plant work-----	\$50,000
Continuation of investigation of new welding techniques for ferrous and nonferrous materials (at request of Office of Scientific Research and Development and National Advisory Committee for Aeronautics)-----	50,000
Lamination of lumber-----	20,000
Extrusion of ferrous alloys-----	30,000
New methods of forming ship plates-----	15,000
Reduction of percentage of scrap when processing critical materials-----	30,000
Miscellaneous processes such as chrome plating of cutting tools, extension of diamond die studies, etc-----	50,000

Industrial products:

Myers jet reaction engine-----	50,000
Diesel engine investigation-----	50,000
Specific production problems of existing plants:	
Electronic control of production processes-----	50,000
Statistical methods for control of quality-----	15,000
Investigation to determine possibility of reduction in use of critical materials through studies of reasons for differences in percentage of rejections in various plants-----	40,000

CONSUMER PRODUCTS BRANCH

Domestic bambo reinforcing for concrete to save steel-----	20,000
Alfred Schwarz dry-cell battery using 50 percent less zinc-----	5,000
Substitute pressure pipes—ceramics, concrete, plywood, glass, and paper—to save steel-----	35,000
Grosvenor Atterbury system of precast concrete for war emergency housing-----	10,000
Laboratory tests for home dehydrators-----	10,000
Paper wall board with vapor seal and high insulating value for war emergency housing-----	40,000
Small ceramic space heater to save steel-----	15,000
Radiant heating in emergency housing to save fuel-----	20,000
Nonmetallic plumbing materials-----	20,000
Non- or minimum-metallic range-----	5,000
Fuel conservation in home—insulation, cheap, easy storm sash, air leakage, furnace revamping-----	50,000
Lignin plastic development for consumer products-----	60,000
Plastic unwoven textile developments as substitutes for wool cloth-----	35,000
Leather substitutes for civilian shoes-----	30,000
Victory furniture—knock-down type using minimum materials-----	10,000
Light cement developments to improve insulation and extend materials-----	20,000
Glass for inside house partitions, furniture, household accessories, sheet and molded glass-----	25,000

SUMMARY

Metals and minerals branch, 19 projects-----	670,000
Chemical industries branch, 9 projects-----	303,000
Industrial processes and products branch, 12 projects-----	450,000
Consumer products branch, 17 projects-----	410,000
Total, 57 projects-----	1,833,000

Mr. TABER. Do you mean that it would be obligated, but it would not be expended during that month?

Mr. CAWLEY. That is correct, sir.

Mr. TABER. That is the idea.

Dr. DAVIS. Correct.

Mr. NELSON. Right, sir.

Mr. CAWLEY. In connection with your first question, Mr. Taber, the funds for the War Production Board were not evenly apportioned over the fiscal year. In the first quarter, as I recall, the Bureau of the Budget gave us approximately \$17,000,000, but in the second quarter and in the recognition of these new programs which the Board had to undertake, they gave us a quarterly apportionment of approximately \$22,000,000, so that in the second quarter, if you consider the authorized cash expenditure of \$22,000,000 and multiply it by 4, you will get \$88,000,000 as an annual rate. In the third quarter we were allowed about the same rate. This additional \$3,247,000 over and above the \$1,780,000 is required because of the rapid recruitment necessary in connection with these new programs early in the fiscal year.

Now, I might point out here that the personal services for these programs we mentioned will actually cost us \$1,785,000. We are asking the Congress for just \$802,000 supplemental for personal services. In other words, we have absorbed 50 percent of that cost for personal services of these new programs.

Likewise, with travel, our total estimate to provide for 440 additional dollar-a-year men is \$1,584,000. We are asking for only \$1,207,000 because we can absorb some of the additional cost.

TRAVEL EXPENSES

Mr. TABER. Let me see about some of the travel business. Your total allocation there is \$6,416,812. Your expenditures for the first 9 months were \$5,225,950, leaving a balance of \$1,190,862.

Now, you add \$1,207,000 to that, and you get \$2,397,000, or an average monthly expenditure of \$799,000, whereas your previous monthly average has been \$580,000 a month. That is stepping up your travel \$220,000 a month for the last 3 months.

Mr. CAWLEY. Mr. Taber, that is quite true, speaking of averages.

Mr. TABER. It is more than averages. It is on facts.

Mr. CAWLEY. Well, sir, our travel is likewise ascending, so that while our obligations for the first quarter amounted to about \$1,500,000; the second quarter approximated \$1,750,000, and the third quarter obligations were approximately \$2,000,000.

Mr. TABER. Would you be spending \$2,387,000 in the last 2 months, the last quarter, on that basis?

Mr. CAWLEY. Correct, but this is the amount for the last 3 months of the fiscal year.

Mr. TABER. Which is \$600,000—almost \$600,000—above your third quarter expenditures.

Mr. CAWLEY. That is right with respect to the average of quarterly expenditures. Our travel has been on a rapidly expanding rate, Mr. Taber. It is going right up hill. Now, there is another factor: The dollar-a-year men, a large number of them, have not yet filed any travel vouchers. We expect that they will file them in the closing quarter of the fiscal year. We have had a number of occasions where dollar-a-year men have presented travel vouchers for as much as \$2,000, and we feel that the additional request making provisions for the increased number of dollar-a-year men is justified.

COMMUNICATIONS

Mr. TABER. Now, your expenditures for communications, how much of that is telephone and how much telegraph?

Mr. CAWLEY. I do not have the details on that. I know that our departmental long-distance telephone calls are running around \$21,000 a week, or \$90,000 a month, and that represents a saving over the November rate of \$36,000 a month.

Analysis of communication obligations for the 9 months ended Mar. 31, 1943

Long-distance tolls.....	\$1,505,690
Local service.....	520,165
Teletype	24,272
Telegram	469,249
Postage	90,667
Cable	7,558
Total.....	2,617,601

PRINTING AND BINDING

Mr. TABER. Now your printing and binding: Your expenditures to March 31 were \$1,345,000, or an average of about \$450,000 a quarter, and you are asking a deficiency of \$834,000 for a quarter, which means \$100,000 better than your previous expenditure.

Mr. CAWLEY. The accounting for our printing is maintained by the Office for Emergency Management. They gave us a statement on March 31 of \$1,345,127 representing obligations for printing up to that time; but, in addition to that figure, there is approximately \$226,000 outstanding representing estimated unbilled cost of overnight printing in the Government Printing Office. So that when this is all cleared up, our proper obligation for printing as of March 31 will be about \$1,570,000.

As against these obligations, we have \$36,000 in cash remaining in the original appropriation.

ESTIMATE REQUESTED OF BUDGET BUREAU FOR 1944

Mr. TABER. On the basis of this set-up, how much is your Budget allotment for 1944? How much did the Budget recommend you have for 1944?

Mr. CAWLEY. For printing?

Mr. TABER. No; all together.

Mr. CAWLEY. The Budget recommended about \$90,000,000.

Mr. NELSON. We asked for \$97,300,000 and they have approved \$89,950,000.

Mr. TABER. That means you are going to be operating on a scale, with this supplemental, in the last 3 months of this fiscal year—

Mr. CAWLEY. Of about \$92,000,000.

Mr. TABER. It is more than that, is it not? It would be \$94,000,000.

Mr. CAWLEY. That is correct, sir.

Mr. TABER. And the Budget allowance for this next year is \$89,000,000.

Mr. NELSON. \$89,950,000.

Mr. TABER. That means they have cut you down below your current 3 months' operation by a very substantial item?

Mr. CAWLEY. We have taken a reduction in personal services for next year as related to our fourth-quarter operations.

Mr. TABER. It is not a reduction that is going to make much difference to you, is it?

Mr. CAWLEY. It will amount to a reduction of little better than 1,000 employees.

Mr. TABER. Would not the reduction of that amount come largely from places where you are overstocked with employees, probably?

Mr. NELSON. That is right. We have had some of that, and have eliminated that.

Mr. TABER. Have you done anything at all in cleaning up situations where you had a lot of people who were misfits?

Mr. NELSON. Yes, sir; a lot of that.

Mr. TABER. I have had my attention called to that by different ones, and I have run into certain cases myself, to a certain extent, where you had a lot of people—well, you had a plumber doing somebody else's job.

Mr. NELSON. That is true, sir. We all have, and we are trying to get as good administration as we can, considering the rapidity with which we have to move in doing the job. We have had instances, many of them, I am sorry to say, where we did have misfits. It is very difficult—I will put it this way to you—it is awfully difficult finding the outstanding man who can come into the Government and take hold. A man who comes in here has a hard job swimming in the goldfish bowl naked, when he starts, and many of them become misfits when they cannot take hold. It is a problem; I do not question it.

Mr. TABER. We have had items in the paper of folks being discouraged because they had nothing to do down there. I do not know about those cases myself.

Mr. NELSON. I think perhaps there have been some cases of that kind, sir; but, if I believed everything I read in the paper about Congress, I would not have a very good opinion of it. And I think the paper oftentimes—people like to run into print, I do not know why it is, but they like to run into print with ex parte statements.

Mr. TABER. Do you check up on such things as that when they bring them to your attention?

Mr. NELSON. We do, immediately. We have cases of that kind that are right; I mean where the thing has happened, where we have had bad administration. But, mind you, we are in 23 buildings, and I know there are people who are not well employed. There are lots of cases of that kind. We are doing our best to weed them out, to get good administration. I finally persuaded Mr. Gladieux to come in. I had a difficult time to get a man who understood how to operate in the Government and do a good administrative job. And when you get torn between the civil service and regulations of the civil service—it is all fine, I am not complaining of that, and we are trying to meet what they want and to do the job, and we will, but we have had a difficult time, sir. I have no doubt we have people in our place right now who are not paying their way, but we are attempting to weed them out.

Mr. TABER. Do you still have the Office for Emergency Management operating your financial program?

Mr. NELSON. Yes.

Mr. CAWLEY. On April 18 we took over our accounting in Washington and, on June 1, we will take over our accounting in the field.

PERSONNEL FOR NEW UNITS

Mr. TABER. Now, on page 6 of your justifications, there seem to be seven or eight new units that are set up.

Mr. NELSON. Yes, sir.

Mr. TABER. Why do you need so many people in those new units?

Mr. NELSON. Let me go through them and try to show that. I explained the war production drive headquarters. I do not know whether that should be 65 or 565, to tell you the truth, because that work is increasing all the time. If we push it to where it looks like it will logically go, that might be five or six hundred people in that unit. And, if they can produce, I think they should be there. That work consists primarily in organizing labor-management committees in various war plants over the country, servicing them, exchanging information between them of what one finds to be good.

We have these suggestion boxes over the country and give citations on the basis of the person making a suggestion which will help increase production, and we have had some 200 of those that have been extremely valuable—not alone to us, but we have sent over about 150 of them that are being put into effect in England and Canada.

I cannot tell you whether that should be 65, but I know it is not enough.

INFORMATION DIVISION

Mr. TABER. Now, in the Information Division you have 110.

Mr. NELSON. In our Information Division. What we attempt to do there is primarily to get out to the people just what we are doing. I can tell you we have not put any people in for any propaganda purposes, and we do not intend to. What we attempt to do there is to have experienced men who know how to present the story to the public of what a limitation order is going to mean. I work on the theory, and I believe it is the right one, that an informed public is willing to put up with any necessary regulation, but they must know it is necessary, and they must know they are all sharing alike. We try to keep the people informed, particularly in the trade magazines, and we have units in there that attempt to do educational work among the various manufacturing organizations in the saving of material and all sorts of things on which that is done.

Mr. CAWLEY. I would like to explain how the Information Division came to us.

Mr. TABER. Yes.

Mr. CAWLEY. The O. E. M. had provided funds to finance this Information Division in its original 1943 Budget. However, with the creation of the Office of War Information the funds for the O. E. M. Information Division were eliminated. It was necessary for the War Production Board to assume this function without a transfer of funds.

Mr. WIGGLESWORTH. Is this the old Information Division that used to function under Mr. Horton?

Mr. NELSON. Yes, sir.

Mr. WIGGLESWORTH. And was turned over more or less 100 percent to the War Production Board?

Mr. NELSON. No. Part of it went to O. P. A. Horton handled the whole information for all of the Office for Emergency Management. This was just that portion which deals with the War Production Board activities.

INFORMATIONAL AND PROMOTIONAL ACTIVITIES

Mr. WIGGLESWORTH. I notice in your justifications you are referring to informational and promotional activities. You say:

* * * The division prepares and clears for release all informational material of a nonadministrative character including press releases, radio programs, leaflets, booklets, and pamphlets, news reels and motion pictures, posters, and other graphic publications * * *.

Mr. NELSON. That is right. For instance, one of the very important activities which we have is the collection of fats, strangely enough. We try to get the housewife to save her fat and turn it over to us, instead of pouring it down the drain, because we use it in the making of glycerine. We are very short of fats. That was a case of doing a lot of educational work to teach that person and to drive home to her the necessity for what we were doing, and getting her to change her habits. Where formerly she threw the fat out and washed it down in the drain in the sink, we ask her to put it into a can, put it in the refrigerator and save it, (because, if it gets rancid, it is no good) and then take it to her butcher, who will collect it and send it to the rendering plant to make glycerine out of it.

Another one of those "save" campaigns is silk stockings. We collect silk stockings from which we can make powder bags, and some of the nylons can be reworked and new material made out of them. The same thing on steel, or copper, or any one of these things. These become projects of one kind or another, and we have posters on it, have motion pictures, every way we can disseminate information to the women of just what that means to us—saving her tin cans, for example, so that they can be sent to the de-tinning plant and the tin saved for our stock pile, and the sheet to go back into the making of scrap.

Mr. WIGGLESWORTH. Then you go on and say:

The division is responsible * * * for preventing the release of information of military significance.

Mr. NELSON. That is right.

Mr. WIGGLESWORTH. Why is not that O. W. I.'s function? Why does W. P. B. or any other agency have to have an additional and independent set-up working in that field?

Mr. NELSON. In which field?

Mr. WIGGLESWORTH. In the military information field.

Mr. NELSON. Some of the information on materials would be of great advantage to the enemy if they got it, and we have to see that material does not go out.

Mr. WIGGLESWORTH. But that is the function of O. W. I., is it not?

Mr. NELSON. No, sir; because we are constantly issuing information on the location, say, of alumina plants.

Mr. WIGGLESWORTH. Do not you have to clear all of those releases through O. W. I.?

Mr. NELSON. Most of our releases are not cleared through O. W. I., because we know exactly what they want us to do. If it is an important release, if it is a change in policy, we clear through O. W. I., but the ordinary release we do not; because we have a good working relationship.

Mr. WIGGLESWORTH. But you do clear one way or another?

Mr. NELSON. It is a technical clearance; yes.

Mr. CAWLEY. I would like to read into the record section 3 of regulation No. 1 of the Office of War Information, which reads as follows:

General.—News releases relating significantly to the war effort or dealing with activities broader than the authorized work of the initiating agency shall, where possible, be prepared by the appropriate Federal department or agency for clearance and issuance by the news bureau of the Office of War Information. The chief of the news bureau will be responsible for clearing such releases with the appropriate policy officers of the Office of War Information and with the departments and agencies concerned. Announcements, statements, material for radio news and news reels, news pictures, and other material which have the same purpose as a news release shall be handled in the same manner as news releases.

PUBLICATIONS, PRESS RELEASES, AND OTHER ACTIVITIES OF THE INFORMATION DIVISION

Mr. WIGGLESWORTH. Could you furnish for the record a list of the publications in the various classifications of information that has been put out?

Mr. NELSON. Yes, sir.

(The matter referred to is as follows:)

Publications and other activities of the Information Division (July 1, 1942–Apr. 30 1943)

PRESS RELEASES ISSUED BY DIVISION OF INFORMATION, JUNE 1942 THROUGH APR. 30, 1943

Subject	Amount	Distribution
General press releases.....	1,629	Daily press, 2,100 papers; weekly press, 9,000 papers. Trade press: Trade journals, 1,600; trade associations, 2,400; manufacturers and distributors, 2,700; House organs, 2,000; Labor press, 800.
Technical press releases ¹	1,892	
Total.....	3,521	

¹ Each technical press release goes to 1 of these selected lists.

These releases deal with specific administrative actions of the War Production Board which have the force of law and which must be interpreted to the industry or industries concerned, as well as to the general public.

Publications and other activities of the Information Division (July 1, 1942-Apr. 30, 1943)—Continued

PUBLICATIONS PREPARED, WRITTEN, AND ISSUED BY DIVISION OF INFORMATION

Title	Publication	Description
War Facts.....	Booklet.....	A handbook to give public speakers a comprehensive picture of the American war production program.
Priorities and Industry.....	do.....	Gives explanation and description of priorities system and its application to industry.
War Production 1942.....	do.....	A report to the American people on the progress of production in our first year of war.
How to Make Three Typewriters Do the Work of Four.....	do.....	A digest of good ideas for getting the same work done with fewer typewriters and thus help win the war by releasing more typewriters to the Army and Navy.
How We Are Going to Get Along With Fewer Machines.....	do.....	Sets forth ways to procure more typewriters for use by Army and Navy.
We've Sent Our Typewriters Off to War.....	Stickers.....	
Inventory Limitation.....	Charts.....	Used to illustrate the War Production Board's Inventory Limitation Order L-219.
Limitation of Inventory.....	Booklet.....	A graphic explanation of the War Production Board's Inventory Limitation Order L-219.
Plant Efficiency.....	do.....	On plant effectiveness and efficiency for small- and medium-sized manufacturing plants and their employees—to help war plants to do a bigger, better, and faster job of production.
News to Use.....	Bulletin.....	News bulletin for retailers—War-time facts about goods they sell.
Rubber Recapping.....	Portfolio.....	Story of rubber recapping.
New England Lumber Production.....	Booklet.....	Lumber conservation.

DIVISION OF INFORMATION COLLABORATED WITH WAR PRODUCTION DRIVE HEADQUARTERS IN PLANNING, WRITING, DESIGNING, AND PRODUCING FOLLOWING MATERIAL

Job	Title	Description
Poster.....	Free Labor Will Win.....	
Do.....	God Help Me If I Am a Dud.....	
Do.....	Pour It On.....	
Do.....	Every Day You Take Off.....	
Do.....	Let's Give Him Enough and On Time.....	
Do.....	You Make It Right—They'll Make It Fight.....	
Do.....	Public Health Series.....	
Do.....	From Mine to Firing Line.....	
Do.....	Men Working Together.....	
Do.....	We French Workers Warn You.....	
Do.....	Still More Production.....	
Do.....	Follow Safety Rules.....	
Do.....	President's Message.....	
Do.....	A Good Soldier Sticks to His Post.....	
Do.....	Time Saved on Your Job Saves Lives on His.....	
Do.....	Keep It Up, Brother.....	
Do.....	Together We Win.....	
Do.....	If It'll Save a Second It's a Great Idea.....	
Do.....	Edison.....	
Do.....	Work to Keep Free.....	
Do.....	Eisenhower.....	
Placards.....		Car pooling, absenteeism, etc.
Catalog.....	Poster Catalog.....	16-page catalog containing posters available through War Production Drive Headquarters.
Report.....	Progress Report.....	Report on progress of War Production Drive.
Pamphlet.....	War Production Drive.....	Explains work of War Production Drive and how plants can cooperate.
Do.....	After This War What?.....	Points out what would happen should we lose the war.
Do.....	Men Working Together.....	
Do.....	Total War.....	Importance of individual effort on home front.
Do.....	Get Straight on This War.....	Things we are fighting for.
Do.....	No Books for Free Men.....	Tells how all reading material of Axis countries must conform to standards of party in power.
Do.....	More Slaves for Hitler.....	What would happen to American labor if it should come under Hitler's rule.

Publications and other activities of the Information Division (July 1, 1942-Apr. 30; 1943)—Continued

DIVISION OF INFORMATION COLLABORATED WITH WAR PRODUCTION DRIVE HEADQUARTERS IN PLANNING, WRITING, DESIGNING, AND PRODUCING FOLLOWING MATERIAL—Continued

Job	Title	Description
Leaflet.....	It Worked for the Baltimore & Ohio.	Story of Labor-Management Committee in the Baltimore & Ohio Co. and how it worked for them.
Do.....	Absent at Roll Call.....	Absenteeism.
Do.....	Got a Kid?.....	Designed to bring home the seriousness of war effort by appealing to worker's desire to care for and protect his family.
Do.....	Keep Your Children Free.....	Do.
Do.....	Labor Safety Service.....	Safety on job.
Do.....	Gold Star Christmas.....	Christmas, 1942. Expressing sympathy for parents of soldiers away from home that day.
Do.....	You Know Tom.....	Thomas Edison. Designed to encourage workers to offer suggestions to improve production.
Do.....	Heads You Win.....	Contrast between workers of Germany and Japan and Americans.
Do.....	Don't Let the Absentee Bugs Get You.	Absenteeism.
Pamphlets.....	A Guide to Help Combat Absenteeism.	
Do.....	Honors for Production Ideas.....	Description of suggestion plans, awards committee, etc.
Do.....	Information Materials.....	Describes various services War Production Drive has to offer war plants.
Placard.....	Absence Makes the War Last Longer.	
Do.....	Beware—Absentee Bug.	
Do.....	If the Absentee Bugs Bite You, Tell Us.	
Do.....	Don't Let This Bug Get You.	
Do.....	We're Giving Them the One—Two.	
Do.....	Quiet Please.....	
Streamer.....	Work! Fight! Sacrifice!.....	
Do.....	Days Off Cost Lives.....	
Chart.....	Production Chart.....	Chart for bulletin boards in plants to show workers goals set for them and trend in production.
Booklet.....	War Production Drive Official Plan Book.	Tells how to set up labor-management committees in plants and how to make them work.
Poster.....	Your Work Will Save Lives.....	
Do.....	The Battle Begins With Your Job.	

DIVISION OF INFORMATION COLLABORATED WITH CONSERVATION AND SALVAGE DIVISIONS IN PLANNING, WRITING, DESIGNING, AND ISSUING FOLLOWING MATERIAL

Poster.....	Your Scrap Brought It Down.....
Do.....	Get In the Scrap.....
Do.....	Keep Scraping.....
Do.....	Win With Tin.....
Do.....	War Production in 1942.....
Do.....	Keep 'Em Flying Back.....
Do.....	Careless Today—Car Less Tomorrow.
Do.....	Save Waste Fats.....
Do.....	Tools Are Weapons.....
Card.....	Salvage Pledge Card.....
Do.....	W. P. B.—1,462 Fat Salvage.....
Do.....	Salvage Credential Card.....
Advertisements.....	Uncle Sam Needs Your Junk.....
Do.....	How to Prepare Tin Cans for War Duty.
Do.....	Wanted: 6,000,000 Tons of Junk.....
Do.....	How to Prepare Tin Cans for War Duty.
Do.....	Women's Ads.....
Do.....	Glass Containers.....
Stickers.....	He's Fighting for You.....
Do.....	Your War Needs Your Help.....
Do.....	Every Ounce Counts.....
Do.....	Save Our Soldiers—Sell Your Steel.
Do.....	Send Your Steel to War.....
Placard.....	Official Salvage Depot.....
Do.....	Tin Can Salvage Depot.....

Publications and other activities of the Information Division (July 2, 1942-Apr. 30, 1943)—Continued

DIVISION OF INFORMATION COLLABORATED WITH CONSERVATION AND SALVAGE DIVISIONS IN PLANNING, WRITING, DESIGNING, AND ISSUING FOLLOWING MATERIAL—Continued

Joh	Title	Description
Bulletin.....	Tin in Wartime.....	Explains why tin is critical and why it must be salvaged.
Do.....	Waste Fats in Wartime.....	Explains why fats are important to the war effort and why waste fats must be salvaged.
Do.....	It's Your Scrap, Sister.....	Explains to women that salvage is important to war effort and tells them what is needed and how to collect it.
Do.....	Segregation of Nonferrous Scrap Metals.....	8-page bulletin to regional offices explaining what metals may be segregated and how.
Do.....	Farm Women, Pass Your Ammunition.....	Explains how farm women can be of help in the war effort.
Do.....	Scrap Facts.....	Distributed to rural teachers explaining need for farm scrap.
Do.....	The Scrapper.....	News bulletin on scrap.
Do.....	Little Things Count Big With the Boys.....	Fat, scrap, silk stockings salvage.
Do.....	National Salvage Program.....	
Folder.....	Jalopy Round-Up.....	
Certificate.....	Certificate of Merit.....	Awarded to persons doing outstanding work in collection of industrial scrap.
Do.....	Award to Implement Dealers.....	Award to implement dealers who have done outstanding work in scrap collections.
Manual.....	Salvage for Scrap Material.....	
Flier.....	Automobile Conservation.....	
Report.....	Auto Salvage Report.....	
Leaflet.....	What Shall We Do With Tin Cans.....	
Do.....	Save Your Waste Fats.....	
Do.....	Get in the Scrap.....	
Throw-away.....	Save Your Waste Fats to Make Explosives.....	Distributed to housewives throughout United States.

RADIO ACTIVITIES

Following live broadcasts were given under the direction of the Radio Section by the Division of Information:

City	Station	Subject
Washington, D. C.....	WRC.....	Fat salvage.
Do.....	WINX.....	Do.
Do.....	WJSV (WTOP).....	Do.
Do.....	WINX.....	Silk-nylon stocking salvage; tin salvage.
New York City.....	WOR.....	Fat salvage.
Do.....	WJZ.....	Silk-nylon stocking salvage.
Do.....	Blue network.....	Tin salvage.
Do.....	WQXR.....	Silk-nylon stocking salvage.
Do.....	N. B. C. network.....	Fat salvage.
Stamford, Conn.....	WSRR.....	Silk-nylon stocking salvage.
Hartford, Conn.....	WTIC.....	Fat salvage.
New Haven, Conn.....	WELI.....	Tin-fat salvage.
Springfield, Mass.....	WMAS.....	Silk stocking, fat and tin salvage.
Greenfield, Mass.....	WHAI.....	Fat salvage.
York, Pa.....	WSBA.....	Conservation household equipment.
Wilkes-Barre, Pa.....	WBRE.....	Tin salvage.
Scranton, Pa.....	WARM.....	Fat salvage.
Baltimore, Md.....	WBAL.....	Tin and fat salvage.

Transcriptions.—The following transcribed programs were written and produced by the Radio Section of the Division of Information. Recordings were made by the Radio Bureau of the Office of War Information for distribution by War Production Drive Headquarters to 2,300 labor-management committees in plants and industries throughout the United States:

Talk by Ambassador Grew and Lieutenant Laub.
Talk by Lieutenant Laub and Army Nurse.
Copper and Coal.

Copper, Zinc, and Lead.
 Talk by Capt. Eddie Rickenbacker.
 Talk by Mrs. Roosevelt on Women in Industry.
 Pearl Harbor Day Program.
 Salt of the Earth.
 Suggestions for Victory.
 War Production Award Winners.
 Absenteeism.
 Thinking for Victory.

Other Radio Activities.—1. Script material for a series of spot announcements, directed to farm and rural areas urging scrap collection, was prepared by the Radio Section and released through Radio Bureau, Office of War Information.

2. Spot announcements were prepared on tool conservation and released through the Office of War Information.

3. Material was used on following radio programs in connection with rubber campaign:

Army Hour—Capt. Eddie Rickenbacker.
 Great Gildersleeve.
 America Calling.
 Charlie McCarthy.
 Cresta Blanca Carnival.
 In Our Opinion.
 Fibber McGee and Molly.

4. Material written and produced for War Production Board weekly program, *Soldiers of Production*.

5. Cooperated with Radio Bureau, Office of War Information, in preparation of two production incentive shows, released to 700 radio stations on WAX network.

6. Spot announcements were prepared on fats and greases for release by Office of War Information over 525 local stations throughout country.

7. Material was prepared and arrangements made with Office of War Information for complete radio schedule on northeastern lumber campaign.

8. Arranged with Radio Bureau, Office of War Information, for spot announcements with reference to various campaigns being carried on by Division of Information.

MOTION-PICTURE ACTIVITIES

1. Picture short, *Salvage*, with commentary by Donald M. Nelson. We prepared material, produced by Office of War Information.

2. Picture short, *Report on Rubber*. We wrote script and it will be produced by Office of War Information.

3. M.-G.-M. will release Pete Smith picture, *Seventh Column*, which has several sequences in it on absenteeism and accidents. We furnished this material.

4. Newsreel on rendering of fats—scenes in Army kitchen, rendering plant, and manufacture of ammunition.

5. Picture, *Sammy Salvage*, technicolor cartoon picture. To be shown in fall. We wrote material and handled production, obtained clearance from Office of War Information.

6. Cleared with Office of War Information and prepared and gave material to Walt Disney for the picture *Minnie Mouse and Pluto, Out of the Frying Pan Into the Firing Line*. This shows how every housewife can help to defeat the Axis by saving fats and greases to be made into explosives.

7. Worked with Bureau of Motion Pictures, Hollywood, for picture short on *Glycerin Goes to War*.

8. Pete Smith making short entitled "*Scrap Happy*," suggested by Motion Picture Section.

9. Bill Pine and Thomas doing a feature film with steel background. Provided them with 3-reel documentary film made by Bethlehem Steel, which gave them background material to finish script; also obtained permission for them to shoot final scenes in Columbia steel mill in Los Angeles.

10. Worked with Office of War Information in making arrangements with Columbia pictures to produce picture *Weapons from Waste*.

11. Worked with Fox Studios in getting out following two newsreel pictures, which have been released: 1. *Typewriter Picture*, with Lynn Bari; 2. *Silk Stockings*, with Alice Faye.

12. Worked with Office of War Information in arranging with Columbia studios to make three feature pictures on War Production Board themes. First picture, on which the script is ready, is Mr. Winkle Goes to War, and is a story of a man 44 years of age who has been inducted into the Army and is told he can get his release but instead decides to stick in the Army and see it through.

13. Worked with War Activities Committee on special copper, bronze, and brass matinees in St. Louis, where intensive newspaper space was purchased by theaters to insure success of that drive in their local area.

14. Worked with War Manpower Commission on introduction to Aetna Safety film.

15. Made 16-mm. prints of Fox picture, It's Everybody's War, for United States Rubber, which they used in factories throughout United States.

16. Worked with Office of War Information on picture Aldrich Family Gets in the Scrap.

17. Worked with Office of War Information in obtaining 50,000 feet of film for use of War Activities Committee of motion-picture industry as 25-foot trailers for use in promoting the copper salvage drive.

18. Mr. Nelson's production report recorded and released by four newsreels—Paramount, Fox, Pathe, and Metro.

19. Arranged with War Activities Committee for scrap matinees in all theaters, with prizes to be awarded by War Activities Committee.

20. Worked with Office of War Information in getting the King Vidor picture America now in production, to carry several sequences on the war production drive.

21. Made arrangements, after clearing with Office of War Information, for Marlene Dietrich's picture, Pittsburgh, to use several of our posters in the background and foreground, as well as some good labor-management scenes.

22. In cooperation with Office of War Information worked with Twentieth Century Fox on a Victory short that contains several rubber sequences.

23. Obtained clearance from Office of War Information and arranged for series of still pictures in Hollywood showing various stars inspecting their tires, taking them to garages for periodic check-ups and attaching the air pressure to the tire gage in order to properly inflate their tires. These stills were planted in magazines, fan publications, and newspaper syndicates.

24. Arranged for display in 17,000 motion-picture theaters, one-sheet poster on rubber conservation.

25. Made newsreel on Mr. Jeffers talking on rubber. Used Nation-wide by Fox and Pathe.

26. Worked with Office of War Information in making newsreels at Aberdeen, Md., on salvaging of old tanks and guns.

27. Worked with Office of War Information in making newsreels in Fort Knox, Ky., taking pictures of hydraulic mining of old dumps; also salvaging of metal from gun butts behind various artillery targets.

28. Planted silk stocking stills in various magazines and syndicates; also set up 9 fan magazines, each to use a typewriter still; combined circulation approximately 4,000,000.

29. Worked with chairman of exhibitors' committee in organizing 17,000 exhibitors for the scrap rally and rubber drive; set up a scheme of educational letters to exhibitors explaining the urgency of the situation and the war uses of scrap.

30. Worked with Fox west coast theaters for scrap rally and collections to be held in as many of their 1,400 theaters as possible.

CAMPAIGNS IN OPERATION

Rubber conservation.

Gas conservation.

Fuel conservation.

Materials redistribution.

Inventory limitation control.

War production drive.

Conservation and substitution.

Consumer care.

Simplification.

Typewriter procurement.

Controlled materials plan.

Lumber.

Salvage:

Fats and greases.
 Tin cans.
 Silk stockings.
 Iron and steel.
 Copper.
 Waste paper.
 Bones.

Office of War Information Overseas Branch.—This branch is supplied with all news on war production for cable-wireless and short-wave radio dissemination of news to world. This material includes:

Nine daily releases.
 Weekly commentary on war production for short-wave radio to be used by all language desks.
 Weekly news letter for Office of War Information Overseas Syndicate Service.
 Feature stories designed to project American industry at war.
 French transcriptions for rebroadcasting abroad.

MATERIAL PREPARED FOR PUBLICATION IN MAGAZINES

Information specialists in Special Projects Branch prepare summaries of effects of War Production Board orders in various fields for distribution to magazines through the Office of War Information Magazine Section.

General subject matter, to 813 editors (total mailing list).

Home furnishings, to 28 women's magazine editors.

Young Americans in war, to 22 editors (representing about 50 young people's magazines), 26 writers' agents, 126 writers (direct through Writers' War Board).

Sports equipment, to 22 editors of sports magazines.

Specialty prepared articles for War Production Board officials' signatures; average 4 per month.

Articles for which background material is furnished; average of 6 per month.

CORRESPONDENCE HANDLED BY DIVISION OF INFORMATION

Average per week: 100 requests, including press releases, how to fill out CMP and PRP forms, interpretation of releases, suggestions for increasing production, where and how to obtain Government contracts, permission to reprint War Production Board material, effects of orders on manufacturers, all types of questions on the War Production Board activities.

BILLBOARDS

The Campaigns and Media Branch has made use of billboards throughout the country to carry messages on rubber, scrap, salvage, etc. These have been contributed free by General Outdoor Advertising.

Personal interviews by Information Division staff with press, public, Government officials, etc., requesting information

	Daily average	Daily total
Director's office	20	20
Information specialists	6	300
All staff		320

Telephone inquiries for information handled by staff of Division of Information

	Daily average	Daily total
Director's office	50	50
Information specialists	20	1,000
All staff		1,050

Mr. WIGGLESWORTH. This Division is already set up, as I understand?

Mr. NELSON. Yes, sir. This is a technical example of the thing [exhibiting], that looks expensive, to tell retailers about the limitation of their inventories, what it means, and how to go about it.

NUMBER AND AMOUNT OF SALARIES OF INFORMATION DIVISION

Mr. WIGGLESWORTH. Would you also give us an administrative breakdown for this Division, if you have not already done so?

Mr. CAWLEY. Detail of the personnel, or totals by sections?

Mr. WIGGLESWORTH. For this Information Division.

Mr. NELSON. We will be glad to do it, sir.

(The matter referred to is as follows:)

Organization of Information Division

	Positions	Annual rates
Office of the Director.....	28	\$83,680
Operations Branch.....	17	66,480
Campaigns and Media Branch.....	29	96,580
Labor Production Branch.....	9	23,240
Program and Production Branch.....	5	19,220
Special Offices Branch.....	9	30,600
Special Projects Branch.....	13	42,820
Total.....	110	362,620

Mr. WIGGLESWORTH. Offhand, it seems to me you have a pretty large and elaborate set-up for essential work in this field. I am not an expert, and I may be wrong.

Mr. NELSON. Do not forget that we cover practically—we do cover every material in the United States in limitation orders, production orders, and directives of one kind and another, and we would like to have a lot more people; but we have tried to cut it down to the minimum.

Mr. WIGGLESWORTH. Every agency wants an information department nowadays; I realize that. In the old days, we had none of them; now we have gotten to the place where we have 35,000 people on the Federal pay roll at the expense of the taxpayers, pumping out information. Part of it is legitimate, a great deal of it, in my judgment, is absolutely unwarranted.

Mr. NELSON. If the Congress will tell us not to do it, we will be delighted.

Mr. WIGGLESWORTH. I think, if you will give us the picture of what has been done, we can judge much better as to the need for it.

Mr. NELSON. We will be glad to do it.

Mr. RABAUT. You do not mean to convey by your answer that you think it should be done away with?

Mr. NELSON. I think the work should be done, sir; I think it is vitally essential that it should be done. Again, I work on the assumption that the people of the United States will submit to anything, first, if they know it to be necessary; second, if they think everybody is being treated alike. And in a democracy, it is highly important that that be done.

WAR PRODUCTION DRIVE HEADQUARTERS PERSONNEL

Mr. WIGGLESWORTH. Reverting for just a moment to the War Production Drive Headquarters, you have referred to the labor-management committees. Have not you been working in that field ever since you were set up?

Mr. NELSON. During the past year; yes, sir.

Mr. WIGGLESWORTH. Have not you been working longer than that—I mean before you had the War Production Drive Headquarters with 65 people, were not you in that field?

Mr. NELSON. Oh, we started on a very small start, we made a very small start, and I went at it very gingerly, because the thing could be very bad.

Mr. WIGGLESWORTH. And this is an extension of that work, rather than new work?

Mr. NELSON. That is right, sir.

Mr. WIGGLESWORTH. And to what extent do you conflict with the McNutt organization?

Mr. NELSON. We try to prevent conflicts. We work very closely with the McNutt organization and try to eliminate duplications there. We have had some difficulty.

Mr. WIGGLESWORTH. Have not they a pretty comprehensive set-up?

Mr. NELSON. They have, sir.

Mr. WIGGLESWORTH. Of inspectors, or whatever they call them, who are maintaining almost daily contacts with these same plants that you are?

Mr. NELSON. They do, sir, and I think a great deal of this duplication will eventually be prevented. There has been duplication between our Labor Production Division and War Manpower. Our staffs have been constantly studying it. We have under consideration now a complete revamping of the Labor Production Division.

Mr. WIGGLESWORTH. In the office of the War Production Drive Headquarters?

Mr. NELSON. That is in a different office than the Labor Production Division. I have insisted that that be kept neutral and not be under either labor or management.

Mr. WIGGLESWORTH. I thought you said the principal function was the organization of labor-management committees, organizing them and maintaining contacts with them.

Mr. NELSON. That is right.

Mr. WIGGLESWORTH. Is that done by personal contact?

Mr. NELSON. Most of the contact of the committee is done out in the field, in the region, and there we coordinate with the Manpower Commission to prevent duplication.

Mr. WIGGLESWORTH. Is that a third set of Federal people, then, working with the various plants? I assumed this was an expanded function which was always carried on.

Mr. NELSON. That is right, sir.

Mr. WIGGLESWORTH. And I thought, as you say, that had overlapped to some extent with the McNutt set-up.

Mr. NELSON. It does overlap to some extent with manpower, but is being better coordinated all the time.

You see, the way that overlaps, it is very difficult, when talking production, to differentiate from manpower, and there is an overlapping. We have tried to get the best kind of working relationship between the two staffs that we can, so that they won't be carrying on the same functions.

Mr. WIGGLESWORTH. You refer also to morale building, educational material, and an award system.

Mr. NELSON. That is right.

Mr. WIGGLESWORTH. Is that distinct from the Army and Navy award?

Mr. NELSON. Oh, yes; this is to the individual; the Army and Navy award is to the plant. This is a merit award to the individual.

COMBINED PRODUCTION AND RESOURCES BOARD

Mr. WIGGLESWORTH. Then in the Combined Production and Resources Board, the justification says:

It is the function of the Board to gather and develop information on the combined resources and production facilities of the United States, Canada and the United Kingdom and to integrate this information into a combined production program reflecting the broad strategic requirements of the Combined Chiefs of Staff for the Munitions Assignment Board.

Mr. NELSON. That is right, sir.

Mr. WIGGLESWORTH. Have not you been doing that right from the outset of your work?

Mr. NELSON. No, sir, we have not.

Mr. WIGGLESWORTH. Have not you had to have necessarily the information not only as to our own resources, but as to the resources of Canada and Britain?

Mr. NELSON. Yes, sir; and of course when you get into the general stream, we have been perfecting that all of the time. But this is a meeting place. Now we have Captain Littleton, of England, Minister of Production in England, and have Mr. Howe, in Canada, who is Minister of Canada, as members, and they meet right with our own member and this Board carries on its functions in that way. Let me show you exactly how we operate. Let us take the question of locomotives: We may have to go into a greatly expanded production of locomotives, and have to expand our production because we did not provide enough. Now we try to find out all of the facts on the production of locomotives in England, the production in Canada, and the production over here, so that we do not make locomotives here that we ought to be making in England. They are easier to ship from England into the various theaters of war.

Or take escort vessels: The program for escort vessels is coordinated through this committee, and we ascertain for Canada and the United States the manufacturing capacity for making the common components, and if we can get them over here or we can expand their production, we get more escort vessels, which results in the increased efficiency of our organizations.

Mr. WIGGLESWORTH. I realize, of course, the importance of cooperative work. I was just wondering why at this juncture we had to set up a brand new outfit.

Mr. NELSON. It is not setting up a brand new outfit; it has been set up. What I am trying to explain to you is that this has been set up.

What we are doing here is to give to you the justification for it, because it was not in our previous budget.

Mr. WIGGLESWORTH. Are you not asking for 52 new positions at an annual cost of \$44,000?

Mr. NELSON. Those are not new positions.

Mr. WIGGLESWORTH. They are not new positions?

Mr. NELSON. No, sir; they are not new positions. We have never justified this to you before, because it was not in our previous budget presentation.

Mr. WIGGLESWORTH. The work was there, but it was not justified?

Mr. NELSON. It was small then; it was not set up as a separate division. It was set up June 9, 1942, by the President.

Mr. WIGGLESWORTH. That is what I was wondering—why we had to have this new set-up as of that date, if you were already doing the work.

Mr. NELSON. What we are trying to do now is to show you some of these have been absorbed—part of the expense of doing it has been absorbed in previous budgets, in previous quarters.

Mr. CAWLEY. We came before this committee on June 17 last year, as I recall, and our budget had gone to the Bureau some time in May, so that we did not have an opportunity to include a provision for this organization established pursuant to a memorandum from the President on June 9.

Mr. WIGGLESWORTH. You had no such organization before June 9?

Mr. NELSON. No, sir.

Mr. WIGGLESWORTH. But you were doing the work?

Mr. NELSON. Very little of it; we were doing some of it, but very little.

Mr. WIGGLESWORTH. What I was trying to get clear was why the need for an organization after June 9, if you did not have it before June 9, if the work was being done before that, and it seems to me in general terms it must have been done.

Mr. NELSON. It just was not done.

Mr. WIGGLESWORTH. Were not you developing information as to our resources, the resources of Canada and the resources of England before June 9?

Mr. NELSON. In a small way. It was not done in any organized way. Of course, it was done after a fashion, but it has been organized and has been growing right along, and may have to be increased tremendously. I do not know just how far it may have to be increased. If it can justify itself, I want to see it increased; because it will help to increase the total production of the three nations.

Mr. WIGGLESWORTH. I am not taking exception to the work, of course. I realize it is vitally important. I was just interested in the dollars and cents aspect of it.

Mr. NELSON. What was the annual rate; have you got that there?

Mr. CAWLEY. We estimate the actual cost of that Combined Production Resources Board for the fiscal year will be \$144,550. That includes everything—personal services and all other objects of expenditure.

QUESTION OF WAR PRODUCTION BOARD BEING OVERSTAFFED

Mr. WIGGLESWORTH. Let me ask you just one other question of a general character. You made a distinction a little while ago between

an agency operated on a business basis for profit and an agency operated for war purposes in time of war.

Mr. NELSON. That is right, sir.

Mr. WIGGLESWORTH. If W. P. B. were operated on the former basis, that is, on a business basis for profit, what would your guess be as to the number of personnel essential to do the job?

Mr. NELSON. Oh, I do not know. I would not know that, because, of course, it is so entirely different in character than anything operated for profit.

Mr. WIGGLESWORTH. Would you get on with two-thirds of your present personnel?

Mr. NELSON. After it had aged—and aging is the big thing in an organization, because anything that is new is expensive, and when it ages it settles down and people find the way to work together—I should say about 20 to 25 percent fewer people. Of course, that is very hypothetical, because it cannot be operated for profit. War is an entirely different thing. You do things hurriedly, quickly; they have to be done regardless of expense oftentimes, because it is very necessary for them to be done. If we have to do a particular job, we will say it is a scheduling job—

Mr. WIGGLESWORTH. I do not pretend to have any expert information or detailed knowledge of the W. P. B. set-up, except as it has been given to us here at this and other hearings; but from what I have heard from various people who have been connected with the organization from time to time, and from general impressions I have picked up, I have very strongly the feeling that Mr. Taber expressed a little while earlier, that there has been a lot of waste, particularly at the bottom of the organization.

Mr. NELSON. I think there has been, sir.

Mr. WIGGLESWORTH. Of people sitting around there with nothing to do.

Mr. NELSON. That has been true.

Mr. WIGGLESWORTH. With a lot of those at the top working their heads off, and a lot of those at the bottom with little or nothing to do.

Mr. NELSON. That is true.

Mr. WIGGLESWORTH. And personally I am happy to note that the figures, as a result of the recent Budget survey, are starting on the downward path. I do not want to handicap an agency that is absolutely vital to the war effort; on the other hand, it is also imperative in the interest of the war effort to eliminate any expenditure that we can.

Mr. NELSON. That is right, sir; I agree with you, because we are certainly working here for the taxpayer and we do not want to pile up debts for the future, that we can never pay, by waste. And I am the last one to feel that is the proper thing for any agency. On the other hand, I do not know how you can organize things quickly, big things like this, without having waste. I have been in business; have organized business. I went through the growth of a business from a very small one when I went with the company, to one that had nearly 100,000 employees when I resigned my position there to come with the Government. And I went through exactly this same thing, that you go through in any business that you or-

ganize quickly. It should not be; of course it should not be; but how can you prevent it? How do you know where to find just the person who knows exactly how to do that particular job and to do it well? The job has not been done in all history. Nobody has ever done it; it is entirely different. Nobody has ever tried to change the whole competitive system of the distribution of material, and do it on a planned basis.

Of course it is wasteful. But as this agency grows older, I can already see differences in the last 3 or 4 months in the way of good administration coming in it. We have not had good administration, because we have been working 18 and 20 hours a day trying to do the immediate job. Nobody can deny, when you do that, that there is waste—doing a job of work like doubling up practically everything, with the accelerated demand that has gone up astronomically from all over the world.

We are doing these jobs for every country in the world except the Axis Powers. If a rush job comes in from Russia, that Russia badly needs, we drop everything to do that. That is wasteful; of course it is, and the people you have used on that, when another job comes along, you have to have people there to do it.

We are doing this job in 23 different buildings in this town. I went through our Textile Section yesterday, and I wish you gentlemen could go through that section and see the people sitting on top of each other, in a space that is absolutely inadequate to do the job—sitting on top of each other, trying to do the job of handling the control—I do not like to use that word, because certainly no one wants to control things; but we have really to allocate all of the textile fabrics in the United States if we are going to prevent clothes rationing and distribute them properly and seeing, when you make wool cloth for suits, that the lining is made. And you have the O. P. A. regulations; although I believe in the “hold-the-line” policy. But every one of those things affects production, and you have to iron out the cost of a denim suit under a ceiling and get the production of denim in order to get enough overalls. True, that is wasteful, but it has to be there.

You have to have some sort of price control; you have to iron out the relationships between this group and a large group in the other town.

I am not trying to defend it; I am not trying to tell you it has not been wasteful; I am trying to tell you we have tried to do it well and have done the best we can, and we are trying to improve it. And that is all I can tell you, or anybody else.

The CHAIRMAN. And you are improving.

Mr. NELSON. We are every day. I think you can see that from the complaints in your mail from people all over this country. We have tried to do this thing by the democratic process; we have tried to control it and to set up our controls in a way that, when the war is over, we can go back, the controls can be released and we can go back to the free competitive enterprise system. I believe in that as much as you people; I believe in it as much as any man in the United States. I came up through it; it has been good to me; want to go back to it. I want to see this country win the peace, as well as win the war. And in trying to set up these controls, we

have tried to set them up in the democratic way, in the American way.

In setting up these controls, I have made mistakes. If I had been an autocrat, if I had been a dictator, I could have eliminated many of those things. I have found what we all want is a dictator to control the other fellow; not to control ourselves. And you cannot do that.

I am offering no apology; no defense. but this country is doing the job. The production record of this country is one that we can be proud of for the rest of the history of the United States. You take the airplane industry and, in 3 years—well, last month we produced about 6,500 airplanes. And Germany, with all of her great industrial system that was touted, probably never has produced more than 3,000, and nothing like the quality of our planes—a quality that knocked down 5 Japs for 1 of ours.

I am proud of that record.

Mr. RABAUT. And you can be proud of your sincerity.

Mr. NELSON. We are trying to do the best we know how to do.

The CHAIRMAN. Is there anything further?

STATUS OF CURRENT APPROPRIATION AS OF APRIL 30, 1943

Mr. TABER. Mr. Nelson, I would like to have your fiscal officer put in the record your expenditures, both for personal services and the total for the month of April.

Mr. CAWLEY. I have all that material. I will be glad to submit it. (The matter referred to is as follows:)

Status of appropriation as of Apr. 30, 1943¹

Total funds available-----	\$76,428,300
Obligations July 1, 1942, to Mar. 31, 1943-----	57,906,073
Obligations April 1943, estimated:	
Personal services-----	4,792,476
Travel-----	678,215
Transportation of things-----	8,657
Communications-----	281,955
Rents and utility services-----	177,669
Printing and binding-----	166,583
Special projects:	
Research-----	462,579
Other-----	938,350
Miscellaneous contractual services-----	25,928
Supplies and materials-----	68,520
Equipment-----	21,898
Total obligations, April 1943-----	7,622,230
Total obligations as of April 30, 1943-----	65,528,303
Unobligated balance-----	10,899,997

¹ The above amounts do not reflect obligations or requirements for overtime payments under Public Law 821, 77th Cong., or Public Law 49, 78th Cong.

OFFICE OF PRODUCTION, RESEARCH, AND DEVELOPMENT

Mr. TABER. Now, I want to ask two or three questions. This Office of Production, Research, and Development. Why is not that just a

duplication of the work Dr. Bush is supposed to be doing; why is not that just another overhead?

Mr. NELSON. We have tried to show you——

Mr. TABER. I have not been able to get a satisfactory answer in my own mind to that.

Mr. NELSON. The difference is just this. Dr. Bush deals primarily with weapons—the development of antisubmarine devices, the development of electronics, the development of a great many things in the field of direct instruments of war. What we did was to set up an organization that takes hold where O. S. R. D. leaves off. This was taken up with Dr. Bush so that there would be no duplication; Dr. Bush recommended it, he was on the committee which set this thing up. This organization works in an entirely different field. This goes into the fields of production techniques, of materials for production, and of the development of substitute materials. Where we have a feeling that we may be cut off, our job is to try to anticipate what is going to be short and to see that there are provisions made for manufacturing it by new processes, if necessary, as I could tell you about alcohol, or acetylene, or any one of those things.

Now, the two fields are very closely related. They do not overlap, because, as Dr. Davis will tell you, if you will listen to his story, whenever he undertakes a project he will call up Dr. Bush's organization and say, "This is what we are thinking of doing; is this something you could take over, or is it something we should do?" Then Dr. Bush makes the determination whether his organization should do it, or our organization should do it. How can there possibly be any overlapping if you do it that way? There cannot be. The only thing you can say is, "It is not necessary to do this work." We think it is. We do not see how you can operate the war economy without making ample provision for things that are going to be scarce.

CLOSING OF LOCAL OFFICES IN CONNECTION WITH SMALLER WAR PLANTS CORPORATION

Mr. TABER. Let me ask you another question: I have had some complaints made about the closing of certain local offices in connection with the Smaller War Plants Corporation.

Mr. NELSON. That is right.

Mr. TABER. I do not know, frankly, whether they are justified, or not; I have no way of knowing, because they are in territory other than mine. Why has that closing been done?

Mr. NELSON. It has been done to try to save money. We have to cut down expenses. For instance, Congresswoman Rogers called up yesterday about Lowell, Mass. We have an office in Lowell, and we have one in Boston. In attempting to cut down our budget we have measured the importance of offices in 20 different towns. They are all important, of course, but there are 20 different places where we have had to review them from the side of economy, and rightly so, and we say, "All right; we know we can get along without these 20. We won't be able to do as well; we would prefer to have the 20; but if we have to cut down, then we have to do it in the elimination of some smaller offices and building up bigger ones at central places." Now, you cannot do both; you cannot cut your budget and at the same time keep everything you have. I do not know how to do that. In cutting

budgets you must eliminate things which you believe to be less essential—not nonessential entirely, but less essential. We have eliminated the nonessentials. But in this cut in the budget we are not alone eliminating nonessentials; we are eliminating the less essential. And in eliminating these offices we have tried to find out which ones would be less essential.

In our judgment these 20 are less essential. There is nothing to do then but to cut them out. We cannot eat our cake and have it; we cannot reduce our budget and maintain everything. And we must use our judgment as to those places which we regard as less essential to the war effort.

True, it is not pleasant to do these things. We will review it, and I will be glad to review the one Congresswoman Rogers calls my attention to. I will put in our men to make a resurvey of Lowell, to see if our judgment is sound that we can operate out of Boston, and we will check that again, and if we find she is right in calling that to our attention, we will reestablish it and try to take out some other thing that we think is less essential. That is the way we try to approach it.

Mr. TABER. I do not know that I can go any further into it with you at the moment, because I do not know.

Mr. NELSON. We will be glad to go into any 1 of the 20.

Mr. TABER. I do not know enough, really, to discuss it except very informally.

Mr. NELSON. There are 20 of them marked as less essential. They are not nonessential, but we think they are less essential.

The CHAIRMAN. If there is nothing further, thank you, Mr. Nelson.

Mr. NELSON. Thank you, gentlemen.

SATURDAY, MAY 8, 1943.

OFFICE OF PRICE ADMINISTRATION

STATEMENTS OF PRENTISS M. BROWN, PRICE ADMINISTRATOR;
JOHN P. HICKEY, PRINTING AND DISTRIBUTION BRANCH; AND
H. B. FRY, ACTING BUDGET OFFICER

PRINTING AND BINDING

The CHAIRMAN. I will say to the committee that the item before us in House Document No. 169 is for printing and binding, Office of Price Administration. No other matter relating to the Office of Price Administration will be germane to the hearing this afternoon.

The estimate from the Budget Bureau is for a deficiency appropriation of \$3,000,000. Your appropriation in 1943 was \$120,000,000, of which amount printing and binding was limited to how much?

Mr. FRY. \$6,400,000.

The CHAIRMAN. You are also authorized to incur obligations for an additional amount of \$20,000,000.

Mr. BROWN. Mr. Fry will be able to tell you, Mr. Chairman.

Mr. FRY. No, sir. While we were authorized to expend a greater sum, we withdrew the supplemental request for appropriation from the Budget Bureau about 2 months ago. The supplemental request was in the amount of \$23,000,000.

Mr. BROWN. We are doing without that \$23,000,000.

The CHAIRMAN. I do recall that you wrote me a letter stating that you would stay within that amount; but you made two exceptions.

Mr. BROWN. We would have to take care of the printing authorizations for this reason. O. P. A. was supposed to go out of business June 30, 1943. Therefore, no provision was made for printing ration books after that period. When the Stabilization Act was passed last October, O. P. A. was extended for another year, to 1944, June 30. Therefore, there came the necessity for printing, before the end of this year, the ration books for gasoline.

The CHAIRMAN. For 1944?

Mr. BROWN. Yes. And that is the reason for the request.

The CHAIRMAN. You were also unable to see the amount of overtime required. You made an exception of \$10,450,000 to meet the cost of overtime.

Mr. BROWN. How about that, Mr. Fry?

Mr. FRY. Yes, sir. That request is included in a message of the President that was transmitted to the Congress May 3—\$10,450,000.

The CHAIRMAN. We will be glad to have a statement, Senator, on this request for \$3,000,000 for printing and binding.

GENERAL STATEMENT

Mr. BROWN. The proposed appropriation of \$3,000,000 is for the purpose of printing War Ration Book IV, of reordering 1944 gasoline rationing forms, and of reordering fuel oil rationing forms required for the coming heating season. All of these expenses are allocable to the fiscal year 1944 since the forms will be used wholly during that fiscal period. When the previous request for supplemental appropriation was voluntarily withdrawn from the Budget Bureau by O. P. A., the congressional committees were informed of the necessity to seek additional funds for printing and binding.

WAR RATION BOOK IV

War Ration Book IV continues commodity rationing programs now provided for in War Ration Book I, and War Ration Book II. These programs are sugar, coffee, processed foods, and meats. The books must be in the hands of the consuming public not later than September 1. In order to meet this deadline the books must be available for distribution by July 15. Orders for the safety paper required and for actual printing of the books must be given immediately. Approximately 140,000,000 copies will be ordered and the estimated cost, \$1,400,000, is computed as follows:

	140,000,000 copies	Unit cost per 1,000 copies
Cover stock	\$85,000	\$0 607
Safety paper	630,000	4.50
Printing and binding	585,000	4.178
Delivery to distribution centers and armed guarding in the printing plants and to the distribution centers	100,000	.714
Total	1,400,000	9.99

GASOLINE FORMS

The immediate reorder of gasoline forms is necessary for the continuance of the program for 1944. Supplies of forms, coupon books, and related printed matter originally printed in 1942 for the commencement of the program on July 22, 1942, are now exhausted. Most of the forms and coupons, except those required in the eastern seaboard area, must be replaced on July 22, 1943. During 1942, the initial printing costs of the program totaled \$1,750,000. Taking into consideration quantities of forms now in stock and simplification of some forms, the current program is estimated to require \$1,342,397.

FUEL-OIL FORMS

The issuance of fuel-oil rationing permissives which began last year just before the heating season, is now planned for the summer months of 1943, thus spreading the work load on war price and rationing boards and allowing better administration of the program. Fuel-oil ration printing must, therefore, be ordered as soon as possible in order to begin issuance of the necessary forms in June. Last year the program printing cost was \$1,450,000. Considering inventory of printed matter now in stock, only a partial reorder is necessary. The cost of the forms now required to supplement inventories is \$275,416.

CHANGE IN LANGUAGE

The proposed change in the appropriation language excludes printing and binding directly related to rationing programs from the limitation on printing costs established in section 203 of the First Supplemental National Defense Appropriation Act of 1943.

The production and allocation of supplies of important war commodities, is not a responsibility of the Office of Price Administration. In their respective fields, the Food Administrator, the Rubber Administrator, the Petroleum Administrator for War, and the War Production Board are empowered to determine allocation of scarce commodities and to authorize and direct the Office of Price Administration to institute rationing programs. While every effort is made by the Office of Price Administration to anticipate rationing responsibilities, logically the agency cannot be expected to foresee accurately the cost of printing incident to all rationing programs.

The proposal merely provides added flexibility in the allocation of funds to printing needs as the rationing developments demand. Such flexibility is urgently needed.

I am going to leave the details to Mr. Fry, our budget man, to Mr. Kroeger, and to Mr. Hickey. But I will say briefly that we need to print these forms now in order to have them for these three main rationing programs shortly after the 1st of July.

NEED FOR FUNDS REQUESTED

The CHAIRMAN. How soon should the printing begin in order to have them ready in time.

Mr. BROWN. I think you figured the 15th of May, Mr. Fry?

Mr. FRY. The order has to be given to the G. P. O. on the 10th, which is next Monday, but in no case later than the 15th, in order to meet the deadline.

The CHAIRMAN. In order to make that requisition, when must this money be available? If you are assured of receiving the money it is not necessary for the money to be on hand right at the time, is it?

Mr. FRY. That is my understanding. G. P. O. contracts with private firms to do these jobs. The contracts will not be let for some time after we give them the order, but we have to give them the job quickly.

Mr. BROWN. They are all ready, Mr. Chairman.

Mr. LUDLOW. During your administration have you found it possible to reduce the forms under O. P. A.?

Mr. BROWN. Very greatly.

Mr. LUDLOW. I understood that you had.

Mr. BROWN. When we come up for our general appropriation I will be able to give you the details on that. I noted the other day that there was a press release showing that business forms to business people were reduced by 70 in number. And we can go a great deal further.

We have also, Mr. Ludlow and gentlemen, greatly simplified the distribution of forms. We are now distributing through the post offices. That is a very much simpler and easier way than it was done before, and I think it is less expensive.

Isn't it, Mr. Fry?

Mr. FRY. Yes, sir.

Mr. BROWN. I think that will aid greatly. And certainly it will be easier on the fellow that I want to ease up on, and that is the citizen.

Mr. LUDLOW. I think the entire country has confidence in you, Senator.

Mr. BROWN. Thank you, Mr. Ludlow.

Mr. LUDLOW. I believe, Mr. Fry, you said that your printing involved in this estimate is to be done outside of the Government.

Mr. FRY. That is my understanding. Mr. Hickey can answer that. He is in charge of our Printing and Distribution Branch.

Mr. HICKEY. Most of our printing is done outside of the Government Printing Office.

Mr. LUDLOW. The Government Printer, of course, is the agent in placing the contract?

Mr. HICKEY. That is right.

Mr. LUDLOW. That ought to help a lot of printers.

Mr. HICKEY. It will.

AMOUNT OBLIGATED FOR PRINTING AND BINDING

Mr. TABER. You had \$6,400,000 allocated to printing out of your \$120,000,000 appropriation.

Mr. FRY. \$6,400,000 was the portion of the \$160,000,000 request that was budgeted for printing and binding.

Mr. TABER. How much have you spent for printing and binding?

Mr. FRY. Our actual obligations for printing, exclusive of printing supplies, as of April 27 was \$5,382,000; for printing supplies, that is, paper used in War Books I, II, and III, \$3,542,000, or a total obligation as of April 27 of \$8,924,000.

Mr. TABER. Are there a lot of these things that you are not going to do any more?

Mr. BROWN. What do you mean?

Mr. TABER. A lot of these forms that you do not expect to use?

Mr. BROWN. Oh, yes; we have cut out a lot of forms; and forms A and B, which have been the principal source of irritation to business people—we have cut that voluntarily. A man can sign them up or fill them up or not.

Mr. WIGGLESWORTH. This is a request for additional funds, of course?

Mr. BROWN. Yes.

Mr. WIGGLESWORTH. It would not serve the purpose to simply raise the limitation on the available for printing purposes of the \$160,000,000 over-all?

Mr. TABER. \$120,000,000 is all he got.

Mr. WIGGLESWORTH. I mean of the \$120,000,000.

Mr. BROWN. No. I think that is all used up.

Mr. WIGGLESWORTH. You have no other funds in your over-all appropriation that could be used for this purpose?

Mr. FRY. No, sir; in order to stay within the \$120,000,000 we have had to curtail drastically every type of expense. We have obligated, as of the end of March, \$89,000,000 out of the entire appropriation. That includes \$5,000,000 for overtime which we will have to get back in order to maintain the same rate of expenditure the fourth quarter as we did the third. In other words \$35,500,000 was spent the third quarter. We cannot exceed that same rate for the fourth quarter in order to come out within the \$120,000,000.

Mr. BROWN. I took the position, Mr. Wigglesworth, that Congress gave us \$120,000,000 and we would have to live within it, when I went down there. Therefore, we canceled this arrangement that had been made whereby we would seek an additional \$23,000,000. And as I wrote the chairman, I excepted this \$3,000,000 for printing because I considered it was chargeable properly to the 1944 Budget rather than the 1943 Budget. So we are getting along, and with the exception of overtime we will not request any further appropriations for this year.

The CHAIRMAN. Is there anything further, gentlemen?

If not, thank you, Senator.

FRIDAY, MAY 7, 1943.

WAR OVERTIME AND OTHER COMPENSATION INCREASES GRANTED FEDERAL
EMPLOYEES

STATEMENTS OF HAROLD D. SMITH, DIRECTOR, BUREAU OF THE
BUDGET; LEO C. MARTIN, ASSISTANT DIRECTOR, IN CHARGE OF
ESTIMATES; R. D. VINING, ASSISTANT CHIEF, DIVISION OF ESTI-
MATES; AND F. J. LAWTON, ADMINISTRATIVE ASSISTANT TO
THE DIRECTOR

The CHAIRMAN. We have an estimate here in House Document 184 for a deficiency appropriation in the amount of \$122,050,900.

The \$122,050,900 is an estimate for a direct appropriation; in addition, \$3,156,330 is by way of an increase in limitation on previous appropriations.

About half, \$61,000,000, is on account of the Postal Service.

GENERAL STATEMENT

We will ask you, Mr. Smith, to give us a general statement with reference to these additional amounts, and to what parts of the fiscal year 1943 they will apply.

Mr. SMITH. Mr. Chairman, I understood you wanted to deal with this estimate and also with the President's fund. I have a statement on the President's fund.

With relation to this estimate I thought, if agreeable to you, Mr. Martin would present a statement. He has the facts here and has them pretty well in mind, and he and his staff can testify in more detail.

The CHAIRMAN. Mr. Martin, will you give us a statement on this?

Mr. MARTIN. On April 24, 1943, the President submitted for your consideration supplemental estimates affecting 271 appropriations which total \$122,050,900. These estimates represent the additional amounts required by the legislative, judicial, and executive branches to meet the cost of increased compensation for the fiscal year 1943 granted to certain employees of the Federal Government by the acts of August 1, 1942 (Public Law 694), December 22, 1942 (Public Law 821), April 9, 1943 (Public Law 25), and the war overtime pay bill, H. R. 1860.

In explanation of these estimates it is necessary to briefly review the subject of additional compensation for Federal employees. On July 1, 1942, the beginning of the fiscal year 1943, the House Committee on the Civil Service was considering several bill on increased compensation with a view toward correcting the discriminatory practice of permitting overtime compensation only to certain groups of employees. At that time the official workweek was 44 hours, and there were approximately 2,234,000 employees in the Federal service, of whom about 1,275,000 had been receiving compensation for overtime work in excess of 40 hours per week. The estimate contained in the 1943 Budget made no specific provision for the payment of overtime compensation except for certain groups of postal employees.

In joint resolutions, approved July 3 and October 2, 1942, Congress extended to November 30, 1942, the period for which overtime rates of compensation could be paid under the acts of June 28, 1940, October 21, 1940, and June 3, 1941, which acts authorized overtime pay for certain groups of per annum employees in the War and Navy Departments.

The act of December 22, 1942 (Public Law 821), the provisions of which were made retroactive to December 1, 1942, extended until April 30, 1943, the period during which overtime compensation may be paid under the acts of June 28, 1940, October 21, 1940, and June 3, 1941, and also provided for the payment of overtime compensation, or additional compensation in lieu thereof to the majority of the civilian employees of the Federal Government not covered by prior acts. This act also suspended the Saturday half holiday law of March 3, 1931, and required the heads of executive departments and agencies to satisfy the Director of the Bureau of the Budget that the number of employees in their respective departments and agencies was necessary to the efficient functioning of such departments and agencies.

On the same day the President, in a memorandum to the heads of departments and agencies, expressed his desire that the head of each department and agency establish, upon his approval of the Temporary Overtime Pay Act, a general minimum work schedule of 6-day 48-hour week for both the departmental and field service.

The act of April 9, 1943 (Public Law 25), which became effective May 1, 1943, authorizes additional compensation for employees in the Postal Service whose rates of compensation are prescribed by the act of February 28, 1925, as amended, and all other officers and employees paid from appropriations made for the field service of the Post Office Department. The provisions of this act terminate on June 30, 1945, or earlier as Congress may prescribe.

Bill H. R. 1860 authorizes the payment of overtime compensation or additional compensation in lieu thereof for the period May 1, 1943, to June 30, 1945, to all Federal employees excepting those covered by the act of April 9, 1943, those whose wages are fixed on a daily or hourly basis by wage boards or similar administrative authority, and certain other specified employees.

In addition to the overtime compensation, another added expense was involved in the act of August 1, 1942 (Public Law 694), which amended the Classification Act by increasing the salary rates of certain grades in the former custodial service and in the subprofessional service.

It will be appreciated that no reliable estimate of funds required for the additional compensation could be made until near the end of the fiscal year by reason of the many factors which have to be considered. We have therefore delayed this submission in order to include in the estimates the latest congressional action on bill H. R. 1860.

In the call for estimates the heads of departments and agencies were requested to make every effort to absorb as much as possible of the cost of the additional compensation through the application of administrative savings, budget reserves, transfers between appropriations where authorized, and other economies. The examiners in the Bureau of the Budget were directed to make a careful review of the estimates submitted by the agencies and to take into consideration the available balances, current rate of expenditures, budgetary reserves, transferability of appropriations, and the extension of the official workweek to 48 hours. In some cases it was not possible to secure full information respecting the ability of field offices to meet the most of the additional compensation within their respective allotments of funds. This situation required a recheck and in two instances it will be possible to reduce the estimate, as submitted. It is therefore recommended that the estimates for the Department of Justice under the appropriation headings "Penitentiaries and reformatories, maintenance" and "Medical center for Federal prisoners, maintenance" in the amounts of \$358,000 and \$11,900, respectively, be eliminated.

Before closing I would like to refer to the statement of total costs under the various acts and bill H. R. 1860, which accompanied the estimate, and particularly to the estimated costs furnished by the War Department on account of Public Law 821 and H. R. 1830. At the request of the Bureau of the Budget, the War Department

made a recheck of this estimated cost and in a letter dated May 5, 1943, submitted corrected figures which will materially reduce the estimated cost of these two acts for the fiscal year 1943 but will not affect the total estimate inasmuch as the War Department is not requesting any additional funds in this submission. I would like to have the privilege of correcting the statement of estimated costs as printed in the document. The corrected grand totals are as follows: \$23,977,401, \$264,225,225, \$113,049,896, \$401,252,522, \$276,421,192, and \$124,831,330, and the corrected net total in the last column is \$121,681,000.

(A table of these changes is as follows:)

Changes to made in the statement

	Column 2	Column 3	Column 4	Column 5	Column 6
Department of Justice:					
Change from				\$2,389,048	\$5,542,500
To				2,758,948	5,172,600
War Department:					
Military establishment:					
Change from	\$271,153,425	\$72,047,321	\$356,097,065	356,097,065	-----
To	101,951,333	41,634,493	156,482,145	156,482,145	-----
Grand total:					
Change from	433,427,317	143,462,724	600,867,442	475,666,212	125,201,230
To	264,225,225	113,049,896	401,252,522	276,421,192	124,831,330
Net total:					
Change from	433,427,317	143,462,724	600,867,442	475,666,212	122,050,900
To	264,225,225	113,049,896	401,252,522	276,421,192	121,681,000

REVISED STATEMENT OF COST OF PAY INCREASES UNDER VARIOUS ACTS OF CONGRESS

Mr. LUDLOW. I was going to suggest that Mr. Martin might furnish a revised break-down of this whole thing.

Mr. MARTIN. I would like to have that privilege, Mr. Ludlow.

Mr. LUDLOW. It affects your whole tabulation.

Mr. MARTIN. It does.

The CHAIRMAN. If there is no objection, Mr. Martin will furnish such a statement.

(The statement is as follows:)

Statement showing cost of pay increases under Public Laws 694, 821 (77th Cong.), and 25 (78th Cong.), and H. R. 1860 (78th Cong.)

Department or establishment	Total cost, Public Law 694, 77th Cong.	Total cost, Public Law 821, 77th Cong.	Total cost, H. R. 1860, Public Law 25	Grand total	Amount to be absorbed	Supple- mental appropri- ation required
Legislative establishment:						
Senate		\$89,282	\$64,039	\$153,321	\$145,644	\$7,677
House of Representatives		155,767	131,000	286,767	48,248	238,519
Architect of the Capitol	\$57,641	45,451	39,374	142,466	63,938	78,528
Botanic Garden	593	3,262	2,940	6,795	3,985	2,810
Library of Congress	52,399	94,060	86,817	233,276	134,499	98,777
Government Printing Office	362	96,297	35,691	132,350	42,920	89,430
The Judiciary:						
United States Supreme Court	14,115	12,655	6,550	33,320	30,754	2,566
Other Federal courts	520	144,891	117,877	263,288	103,763	159,525
Administrative Office of the United States Courts	275	7,625	6,668	14,568	11,820	2,748

Statement showing cost of pay increases under Public Laws 694, 821 (77th Cong.), and 25 (78th Cong.), and H. R. 1860 (78th Cong.)—Continued

Department or establishment	Total cost, Public Law 694, 77th Cong.	Total cost, Public Law 821, 77th Cong.	Total cost, H. R. 1860, Public Law 25	Grand total	Amount to be absorbed	Supple- mental appropri- ation required
Executive Office and independent establishments:						
Executive Office of the President:						
The White House Office	\$165	\$6,774	\$4,070	\$11,009	\$11,009	-----
Executive Mansion and Grounds	-----	6,889	3,227	10,116	10,116	-----
Bureau of the Budget	1,744	62,897	49,100	113,741	113,741	-----
National Resources Planning Board	520	38,426	20,927	59,873	27,973	\$31,900
Liaison Office for Personnel Management	165	554	347	1,066	1,066	-----
Board of Economic Warfare	9,168	553,208	327,528	889,904	904	889,000
Office for Emergency Management:						
Office of the Liaison Officer	70	2,054	1,313	3,437	3,437	-----
Division of Central Administrative Services	87,008	856,948	338,508	1,282,464	1,282,464	-----
National War Labor Board	1,078	167,711	143,834	312,623	312,623	-----
Office of Alien Property Custodian	3,723	168,001	91,846	263,570	263,570	-----
Office of Civilian Defense	4,295	205,281	103,474	313,050	313,050	-----
Office of Coordinator of Inter-American Affairs	2,640	110,104	72,405	185,149	185,149	-----
Office of Defense Health and Welfare Services	600	66,661	33,742	101,003	101,003	-----
Office of Defense Transportation	39,960	643,199	354,084	1,037,243	1,037,243	-----
Office of Economic Stabilization	74	829	869	1,772	1,772	-----
Office of Lend-Lease Administration	4,860	74,674	99,562	179,096	179,096	-----
Office of Scientific Research and Development	1,210	37,082	30,031	68,323	68,323	-----
Office of War Information	18,170	587,139	350,576	955,885	955,885	-----
War Manpower Commission	21,474	8,153,650	4,173,035	12,348,159	8,921,659	3,426,500
War Production Board	62,898	3,603,756	1,736,346	5,403,000	-----	5,403,000
War Relocation Authority	13,044	305,539	220,933	539,516	539,516	-----
War Shipping Administration	2,285	221,367	132,396	356,048	356,048	-----
Office of Censorship	74,000	1,280,970	719,030	2,074,000	2,074,000	-----
Office of Price Administration	40,017	6,686,064	3,724,028	10,450,109	109	10,450,000
Office of Strategic Services	7,005	165,915	170,858	343,778	343,778	-----
Petroleum Administration for War	1,900	164,000	109,500	275,400	275,400	-----
Independent establishments:						
American Battle Monuments Commission	-----	682	280	962	962	-----
Bituminous Coal Consumers' Counsel	-----	5,787	1,100	6,887	6,887	-----
Board of Investigation and Research—Transportation	2,781	24,679	13,663	41,123	41,123	-----

Statement showing cost of pay increases under Public Laws 694, 821 (77th Cong.), and 25 (78th Cong.), and H. R. 1860 (78th Cong.)—Continued

Department or establishment	Total cost, Public Law 694, 77th Cong.	Total cost, Public Law 821, 77th Cong.	Total cost, H. R. 1860, Public Law 25	Grand total	Amount to be absorbed	Supple- mental appropri- ation required
Executive Office Etc. Con. Independent Establish- ments—Continued						
Civil Service Com- mission	\$11,815	\$1,139,424	\$504,271	\$1,655,510	\$565,510	\$1,090,000
Employees' Compensa- tion Commission	1,043	72,755	35,399	109,197	109,197	-----
Federal Communica- tions Commission	11,335	396,526	183,462	591,323	291,323	300,000
Federal Deposit Insu- rance Corporation	8,932	198,177	92,874	299,983	299,983	-----
Federal Power Commis- sion	1,413	106,762	65,851	174,026	174,026	-----
Federal Trade Commis- sion	1,783	78,851	43,414	124,048	124,048	-----
General Accounting Office	13,292	1,363,051	738,058	2,114,401	2,114,401	-----
Interstate Commerce Commission	5,093	370,330	166,195	541,618	488,818	52,800
National Advisory Committee for Aero- nautics	72,317	526,670	261,742	860,729	8,729	852,000
National Archives	8,804	64,452	25,605	98,861	98,861	-----
National Capital Park and Planning Commis- sion		627	420	1,047	1,047	-----
National Labor Rela- tions Board	2,709	138,737	67,114	208,560	167,760	40,800
National Mediation Board	926	7,598	6,461	14,985	4,285	10,700
Railroad Retirement Board	3,575	257,706	121,165	382,446	382,446	-----
Securities and Ex- change Commission	4,618	201,908	108,350	314,876	314,876	-----
Smithsonian Institu- tion	67,517	87,550	46,206	201,273	125,773	75,500
Tariff Commission	770	54,531	25,222	80,523	18,023	62,500
Tennessee Valley Au- thority		1,478,896	676,877	2,155,773	2,155,773	-----
The Alley Dwelling Authority	13,446	36,072	19,800	69,318	69,318	-----
The Tax Court of the United States	55	13,203	9,348	22,606	22,606	-----
United States Mari- time Commission	990	1,260,344	648,814	1,910,148	35,148	¹ 1,875,000
Veterans' Adminis- tration	1,768,748	5,403,691	2,665,773	9,838,212	3,063,212	6,775,000
Federal Security Agency	729,692	3,628,335	1,761,969	6,119,996	3,957,296	2,162,700
Federal Works Agency	1,691,152	3,418,262	1,398,567	6,507,981	2,691,981	² 3,816,000
National Housing Agency	27,948	2,118,777	1,041,945	3,188,670	3,188,670	-----
Department of Agriculture	244,499	10,415,713	5,242,432	15,902,644	11,083,144	³ 4,819,500
Department of Commerce	177,952	4,619,038	2,144,915	6,941,905	5,131,205	1,810,700
Department of the Interior	429,982	4,439,576	2,071,006	6,940,564	6,228,614	⁴ 711,650
Department of Justice	536,390	4,943,716	2,451,442	7,931,548	2,758,948	5,172,600
Department of Labor	5,052	889,539	465,783	1,291,414	938,014	353,400
Navy Department	2,067,010	22,496,292	10,380,820	34,944,122	34,944,122	-----
Post Office Department	1,180,817	46,831,007	⁵ 16,046,535	64,058,389	2,930,089	61,128,300
Department of State	26,010	1,013,945	562,467	1,602,422	600,822	1,001,600
Treasury Department	517,361	11,246,006	5,719,590	17,482,957	6,366,557	⁶ 11,116,400
War Department:						
Military Establishment	12,896,319	101,951,333	41,634,493	156,482,145	156,482,145	-----
Civil functions	652,722	6,626,798	1,377,652	8,657,172	8,555,572	⁷ 101,600
Panama Canal	12,053	1,033,197	477,308	1,522,558	1,264,758	257,800
District of Columbia	256,462	454,790	302,953	1,014,115	650,315	363,800
Grand total	23,977,401	234,225,225	113,049,896	401,252,522	276,421,192	124,831,330
Less amounts available from corporate and prior year funds, etc						3,150,330
Net total	23,977,401	234,225,225	113,049,896	401,252,522	276,421,192	121,681,000

¹ This is an increase in the limitation for administrative expenses.

² Includes \$3,500 increase in limitation on prior year unobligated funds of Public Works Administration.

³ Includes \$230,900 increase in the limitation for administrative expenses for Commodity Credit Corporation.

⁴ Includes \$21,500 from operation and maintenance collections, \$20,040 from tribal funds, \$39,000 from power and other revenues, and \$1,790 from prior year unobligated funds.

⁵ Of this amount \$15,930,850 is chargeable to Public Law 25.

⁶ Includes \$913,800 increase in the limitation on the permanent indefinite appropriation "Expenses of loans, act Sept. 24, 1917, as amended and extended."

⁷ Includes \$44,800 for U. S. Soldiers' Home Trust fund.

Mr. MARTIN. Based on March 1943 employment and the figures submitted by the departments and agencies for the months of May and June, it is estimated that the cost of H. R. 1860 on an annual basis will amount to approximately \$583,000,000. This figure coincides very closely with an independent estimate made by this Bureau at the time this legislation was under consideration in Congress. The approximately 1,608,500 Federal employees covered by the provisions of this bill will receive an average of \$362 additional compensation per annum.

As pointed out before, field employees of the Post Office Department are not covered by H. R. 1860 but will receive additional compensation under the acts of March 27, 1942 (Public Law 509), and April 9, 1943 (Public Law 25). It is estimated these two laws will cost approximately \$152,000,000 on an annual basis.

The CHAIRMAN. Will you mention those laws again?

Mr. MARTIN. The acts of March 27, 1942, Public Law 509 and April 9, 1943, Public Law 25. Departmental employees for the Post Office Department will be compensated under H. R. 1860.

The CHAIRMAN. How many people will these two laws cover?

Mr. MARTIN. For the Post Office Department, about 315,000.

The CHAIRMAN. Mr. Martin, the general cost of these laws, as shown in the fourth column here, is approximately \$631,000,000. Has there been any change in that? What is your revision on that?

Mr. MARTIN. To make a comparison of the cost I think we should eliminate the post-office item.

The CHAIRMAN. That would make it about \$401,250,000.

Mr. MARTIN. If we were to take H. R. 1860 the corrected total would be \$113,049,896. If we deduct from that the amount of Public Law 25, which is for the field service of the Post Office Department, we get a 2 months' cost of \$97,119,046, which, if multiplied by six, would give you \$582,714,276.

The CHAIRMAN. Then it would be something like \$20,000,000 less.

Mr. MARTIN. That is right.

The CHAIRMAN. Than the figure you have here?

Mr. MARTIN. That is right.

The CHAIRMAN. That is, on a 5 months' basis, for Public, 821, and on an 11 months' basis for 694, and on a 2 months' basis for Public, 25, and a 2 months' basis for H. R. 1860?

Mr. MARTIN. Yes, sir; as originally printed in House Document 184.

The CHAIRMAN. Can you place in the record the 12 months' cost of Public, 694, Public, 25, and H. R. 1860 at this point?

Mr. MARTIN. Yes, sir; the annual cost of Public Law 694 would be \$26,157,165, covering approximately 175,000 employees, and providing an average increase of \$150.

The annual cost of Public Law 25 will be approximately \$89,000,000 and the annual cost of H. R. 1860 will amount to approximately \$583,000,000.

EXTENT OF ABSORPTION OF EXTRA-PAY COSTS BY VARIOUS AGENCIES

The CHAIRMAN. Public No. 821 requires the Director of the Budget to survey the personnel needs of all Government agencies and to make

findings and to order reductions where the personnel is found to be excessive.

What action has been taken under that law?

Mr. MARTIN. I would like to have Mr. Vining furnish those figures, Mr. Chairman, if it is agreeable.

The CHAIRMAN. I understand some of these national agencies are absorbing all of this excess cost, much to their credit; but there are some who have not been able to do that or who have not done that.

For example, here is the War Manpower Commission, with a total cost of \$12,348,159. Of that they absorbed \$8,921,659 and are asking here for \$3,426,500. That seems to be one of those furthest away.

Here is the War Production Board, with a total cost of \$5,403,000. They are absorbing nothing.

Here is the Board of Economic Warfare, with a total cost of \$889,904, and they are absorbing \$904.

Here is the O. P. A., with a total cost of \$10,450,109 of which they will absorb \$109.

What is the situation with respect to these agencies? Are you satisfied, after you have examined their balances and looked them over, that they cannot absorb more than they have absorbed?

Mr. MARTIN. Yes, sir. In two of those cases, Mr. Chairman, there have been supplemental estimates submitted to this committee for 1943.

The CHAIRMAN. Has this survey been made as to their personnel, and have any reductions been made, and are they reducing the number of their personnel as much as they can be reduced?

Mr. MARTIN. Yes, sir; we feel they have done a fairly good job.

Mr. TABER. They have still an awful lot in the O. P. A. that can be reorganized.

Mr. MARTIN. The O. P. A. has additional rationing and enforcement responsibilities, Mr. Taber, which does require additional personnel.

The CHAIRMAN. Will you give us a statement on that now, Mr. Martin?

Mr. MARTIN. Do you mean with respect to the War Manpower Commission?

The CHAIRMAN. As I understand, all of the other agencies except these you have named have absorbed 100 percent.

Mr. MARTIN. Yes, sir; the other war agencies. According to that statement for the fiscal year 1943, that is correct, and is due to their inability to recruit personnel, and in other cases because the Director has determined that their programs are stabilized and they ought to reduce by reason of the increased working hours.

The CHAIRMAN. They would have spent more if they could have gotten the personnel; that is, they were unfortunate in being unable to get personnel. Now, how have they been doing their job without this extra personnel; and could some of these others do their job if they were unfortunate enough not to be able to secure additional personnel?

Mr. MARTIN. Those agencies which have not been able to recruit to their full limit are agencies such as the B. E. W., which does have an expanded load, by reason of the need for getting information on critical materials; more stringent application of the export-import laws, etc.

The CHAIRMAN. The War Department is absorbing all of its cost, is it not?

Mr. MARTIN. Yes, sir.

The CHAIRMAN. That is \$356,000,000; and the Navy with \$35,000,000 is absorbing all of its cost.

Mr. MARTIN. Yes, sir; as shown by the original statement. The War Department has revised this amount as previously stated.

The CHAIRMAN. Are they having any difficulty?

Mr. MARTIN. No, sir. The War Department has authority to transfer between appropriations and it is in that manner that it is able to meet this additional cost.

REDUCTIONS IN PERSONNEL ORDERED BY BUDGET BUREAU

The CHAIRMAN. Give us a statement on this personnel, the reductions that have been ordered, the reductions that have been made, at this point.

Mr. MARTIN. May Mr. Vining do that?

Mr. VINING. Mr. Chairman, going back to the total number of employees in the executive departments as of March, there was a little less than 3,000,000. Included in that number there are 1,000,000 per diem employees.

The CHAIRMAN. That is in Washington and in the field?

Mr. VINING. In Washington and in the field, and in the War and Navy and the Tennessee Valley Authority, which are the three agencies having most of the per diem employees. That leaves a remainder of 1,930,000 who would be covered by the terms of Public Law 821.

Of that number, 1,109,000, were in the agencies in which we found no excess employees.

The remaining 761,000 were scattered through various agencies, and even in those agencies there were certain bureaus where no reductions could be made. For example, there were certain reductions in the Treasury Department, but no reduction could be made in the Bureau of Internal Revenue. Actually the reductions that were made applied to 496,000 people and our estimated reductions on that are 41,000—27,726 ordered by April 30 and 13,905 proposed after that.

Mr. LUDLOW. You are speaking now of separations?

Mr. VINING. I think it is fair to say that these figures represent the difference between the number of employees on the pay roll as of the latest date we could get, which was usually around the end of February or early in March, and the number of employees as stated in our letter.

The CHAIRMAN. Right there, Mr. Vining, how much of that was due to getting more work out of the employees? You have increased the hours of your employees. What effect did that have on the situation?

Mr. VINING. That had an effect on our reduction, of course. Also, it enabled agencies which had had difficulty in recruiting, which was rather common, to keep their work more up to date; in other words, the backlog of work was not as great as it would have been had we continued on a shorter workweek.

DEFICIENCY TO BE ACCRUED IN POSTAL EXPENDITURES ON ACCOUNT OF PAY INCREASES

The CHAIRMAN. Your estimate for the Post Office Department provides \$61,128,300 to be payable from postal revenues. As a matter of

fact, will that really and actually be paid from postal revenues or does this represent a deficiency?

Mr. MARTIN. There is going to be a deficiency in postal expenditures of perhaps \$50,000,000, Mr. Chairman.

The CHAIRMAN. And that will be paid from general funds?

Mr. MARTIN. Yes, sir.

DIFFICULTIES OF CERTAIN AGENCIES TO MEET PAY ROLLS ON ACCOUNT OF PAY INCREASES

The CHAIRMAN. We realize that the different agencies of the Government have not received any funds for the payment of this additional amount which must be met, and they are all in more or less difficulty, all of them in rather serious difficulty, about meeting their pay rolls. What is the situation as to meeting their pay rolls, for example?

Mr. MARTIN. Some agencies will have difficulty in meeting their pay rolls for May.

The CHAIRMAN. And most of them will meet their May 15 pay rolls?

Mr. MARTIN. There are several agencies that are going to be very pressed for money, Mr. Chairman.

The CHAIRMAN. How about May 30 or June 1 or June 2 pay rolls?

Mr. MARTIN. Most of them can meet the May 15 pay rolls, but the May 30 pay rolls I think are going to be a little late.

The CHAIRMAN. How soon should this money be available in order to prevent any serious dislocations along that line?

Mr. MARTIN. I should think about the 20th of May, sir.

The CHAIRMAN. Well, then, if there is any doubt about it, and I suppose you are certainly going to have difficulty at the end of the May pay roll, would it be advisable to insert a provision here—off the record.

(Discussion off the record.)

INCREASE IN LIMITATIONS NECESSARY TO MEET PAY INCREASES

The CHAIRMAN. I notice here on page 6 the amounts are broken down to the usual appropriation items and that there is authority on page 14 to waive all restrictions necessary to permit these payments and permit heads of agencies to allocate to subheads of appropriations.

Does this procedure follow the pattern previously established by Congress when the Ramspeck automatic promotion act was passed? It is not a new procedure?

Mr. MARTIN. I do not recall, Mr. Chairman. I understand it is the same thing. This is where Congress has placed limitations on the amount that is to be expended for personal services in the District of Columbia and elsewhere, and it is necessary to increase that limitation to the extent necessary to meet the increased compensation.

The CHAIRMAN. Any questions, gentlemen?

Mr. TABER. Have you gone into the total amount that was appropriated for each of the different agencies?

Mr. MARTIN. Yes, sir.

Mr. TABER. And recovered out of them everything that was in sight that they were not going to use?

Mr. MARTIN. Yes, sir.

Mr. TABER. For this purpose?

Mr. MARTIN. To the best of our ability, Mr. Taber. We have checked their unobligated balances as of the last monthly period.

Mr. TABER. How late have you checked them, as of the 1st of May?

Mr. MARTIN. In some cases it would be for the month of February, where we have field offices. It is very difficult to get all the payments in. In some of the agencies that only have departmental services, we have the month of March figures.

Mr. WIGGLESWORTH. These figures, as revised, refer entirely to salary increases?

Mr. MARTIN. Yes, sir.

Mr. WIGGLESWORTH. I notice here under the legislative breakdown, for instance, there are items for reporting debates and proceedings, maintenance of garages, maintenance of office buildings, and so forth. That is all salaries, is it?

Mr. MARTIN. Yes, sir.

Mr. WIGGLESWORTH. How many people did you say are on the Federal pay rolls now?

Mr. MARTIN. As of March, 2,938,500.

Mr. WIGGLESWORTH. I am interested in that because the Civil Service gave us an estimate in January of 2,972,000 as of July 1, next. Your figure would indicate that the Civil Service figure will be considerably exceeded, would it not?

Mr. MARTIN. I could not say, Mr. Wigglesworth. The War Department is making a terrific drive right now to keep its personnel to the present level.

STATEMENT OF REDUCTION IN PERSONNEL BY AGENCIES

Mr. WIGGLESWORTH. Could you for the record give us a list of the reductions in personnel by agencies as the result of this survey?

Mr. MARTIN. I shall be glad to.

(The statement is as follows:)

Reductions in permanent Federal civilian personnel by Bureau of the Budget under overtime pay resolution expiring Apr. 30, 1943 (Public Law 821, 77th Cong.)

Department or agency	Reduction in employees		
	By Apr. 30	After Apr. 30	Total number
Post Office Department.....	14,704	4,420	19,124
Department of Agriculture.....	2,765	4,740	7,505
War—departmental and engineers—civil.....	2,294	400	2,694
Federal Works Agency.....	1,998	39	2,037
Tennessee Valley Authority.....	694	1,338	2,032
War Production Board.....	630	1,000	1,630
Federal Security Agency.....	701	647	1,348
Treasury Department.....	818	406	1,224
National Housing Agency.....	360	428	788
Department of the Interior.....	651	6	657
Department of Labor.....	431	-----	431
Department of Justice.....	152	175	327
Department of Commerce.....	300	-----	300
Civil Service Commission.....	287	-----	287
Interstate Commerce Commission.....	40	96	136
Panama Canal.....	136	-----	136
Office of Civilian Defense.....	71	62	133
Railroad Retirement Board.....	115	-----	115

Reductions in permanent Federal civilian personnel by Bureau of the Budget under overtime pay resolution expiring Apr. 30, 1943 (Public Law 821, 77th Cong.)—Continued

Department or agency	Reduction in employees		
	By Apr. 30	After Apr. 30	Total number
Office of War Information	103		103
National Archives	63	35	98
Federal Trade Commission	49	32	81
Department of State	81		81
Tariff Commission	44	20	64
National Labor Relations Board	61	3	64
Alien Property Custodian	28	35	63
Securities and Exchange Commission	46		46
Federal Deposit Insurance Corporation	39		39
Smithsonian Institution	38		38
Alley Dwelling Authority	7	16	23
National Gallery of Art	6	6	12
Office of Defense Transportation	10		10
Tax Court of the United States	3		3
Liaison officer for Office for Emergency Management	1		1
American Battle Monuments Commission		1	1
Total	27,726	13,905	41,631

EMERGENCY FUND FOR THE PRESIDENT

The CHAIRMAN. Mr. Smith, House Document No. 189 transmits an estimate for the Executive Office of the President which is as follows:

The appropriation "Emergency fund for the President," contained in the first supplemental National Defense Appropriation Act, 1943, as supplemented by the second supplemental National Defense Appropriation Act, 1943, is hereby continued available until June 30, 1944, and the limitation on the amount which may be expended for objects of a confidential nature is hereby increased by \$25,000,000.

Will you give us a statement on that?

GENERAL STATEMENT ON EXTENSION OF AVAILABILITY OF UNEXPENDED BALANCES

Mr. SMITH. The pending estimate provides for the extension of availability of the balance of the Emergency Fund for the President until June 30, 1944, and for an increase of \$25,000,000 in the amount available for expenditures of a confidential nature.

As of April 1 the unallocated balance in the President's fund was slightly over \$94,000,000.

The CHAIRMAN. Do you have \$94,000,000 available at the present time?

Mr. SMITH. Yes. And of that \$5,000,000 is available only for the liquidation of prior contract authorizations.

The CHAIRMAN. In other words, you have \$89,000,000 available without any strings on it?

Mr. SMITH. Yes. Of that balance, the amount available for confidential expenditures is \$3,247,000. In the conduct of the war there frequently arises the necessity for making immediate expenditures to meet the emergency situation.

In other cases expenditures for purposes of strategic importance must at times be made quickly and without disclosing in advance the nature of the expenditure.

During the past 4 months the allocations from this fund amounted to \$12,664,000, of which \$11,000,000 has been for confidential purposes.

I think that this demonstrates that we are adhering to the policy which we advised this committee should be followed; namely, to submit estimates of the appropriation rather than make allocations from the President's fund unless special circumstances would indicate the latter course to be preferable.

ALLOCATION FOR MEXICAN RAILROAD

Mr. TABER. Would such things as that Mexican railroad be confidential?

Mr. SMITH. No.

Mr. TABER. Has there not been \$2,500,000 in 4 months spent for that purpose?

Mr. LAWTON. Not in the last 4 months. There was an allocation made before that time. There is a pending application that was taken up by Mr. Rockefeller with this committee.

The CHAIRMAN. What is the total amount?

Mr. LAWTON. There would be about \$2,500,000 more to be allocated and, in addition, other funds now available to the Coordinator would be transferred to this project. The total would be about \$7,500,000.

STATEMENT OF ALLOCATIONS FROM EMERGENCY FUND OF THE PRESIDENT

Mr. WOODRUM. We had an excellent statement from the independent office hearing. If they would revise this down to date, it would be good for this hearing.

The CHAIRMAN. It might be included here.

Mr. LAWTON. I have a statement covering the period from January 1 to April 30.

Mr. TOBER. Covering \$7,000,000?

Mr. LAWTON. Covering \$12,000,000, and a rescission of \$5,000,000, which makes a net of \$7,000,000.

(The information requested is as follows:)

Statement of allocations for the period Jan. 1 to Apr. 30, 1943, under the appropriation "Emergency Fund for the President, National Defense, 1943"

[NOTE.—See statement for period July 1 to Dec. 31, 1942, in House hearings on independent offices appropriation bill, 1944, pp. 1183-1185.]

Total available for allocation for period July 1 to Dec. 31, 1942	\$187,188,210.46
Total allocations as of Dec. 31, 1942	90,211,676.17
Balance available for allocation as of Jan. 1, 1943	96,976,534.29
Funds transferred from "War contributions fund, Treasury Department," Apr. 24, 1943	10,000.00
Total balance available for allocation	96,986,534.29

ALLOCATIONS AND RESCISSION

Executive office of the President:	
Committee for Congested Production Areas.....	\$25,000.00
To reimburse the Lend-Lease Administration.....	20,159.00
Office for Emergency Management: Alien Property Custodian: For patent applications.....	70,000.00
Civil Service Commission: For travel expenses of naval civilian employees.....	400,000.00
National Mediation Board: For emergency panels.....	50,000.00
Federal Security Agency: For special research projects.....	175,000.00
Federal Works Agency: For transfer of employees (decentralization).....	1,909.06
Department of Agriculture:	
For transfer of employees (decentralization).....	9,000.00
For transfer of equipment (decentralization).....	70,000.00
Department of the Interior: For investigation of popular election of Governor in Puerto Rico.....	10,000.00
Department of Justice: Interdepartmental Committee on Employee Investigations.....	3,000.00
Navy Department: For confidential purposes.....	500,000.00
Department of State:	
For confidential purposes.....	10,500,000.00
Emergency Advisory Committee for Political Defense.....	46,000.00
Foreign relief and rehabilitation operations.....	10,000.00
Treasury Department: Procurement Division: Federal Property Utilization Branch.....	600,000.00
War Department:	
For transfer of employees (decentralization).....	171,800.00
Joint Mexican-United States Defense Commission.....	2,500.00
Total allocations.....	12,664,368.06
Rescission of portion of previous allocation to Executive Office of the President: Office of Strategic Services: For confidential purposes.....	5,000,000.00
Net total allocations.....	7,664,368.06
Balance available for allocation as of Apr. 30, 1943.....	89,322,166.23
Balance available for liquidation of prior contract authorizations as of Apr. 30, 1943.....	5,000,000.00
Total.....	94,322,166.23

The CHAIRMAN. What has been the total amount appropriated to this fund since the beginning of the program?

Mr. SMITH. \$631,533,000 since June 11, 1940.

The CHAIRMAN. Now, with this additional language, it is expected that the balance will last for the fiscal year 1944?

Mr. SMITH. I should say it is expected, but based on the history of the fund during the past year, obviously we can not anticipate all of the contingencies that might arise.

REDUCTION IN EXPENDITURES FROM PRESIDENT'S FUNDS

The CHAIRMAN. When you were starting off, Mr. Smith, in the early phase of the war when everything was new and matters had to be done irregularly and hastily, you needed a very large fund to be drawn on at any time and for unforeseen emergencies, but now that the matter has become thoroughly organized, standardized, practically all activities under way, you do not need quite as much money now as you did at the beginning of the war, do you, for this purpose?

Mr. SMITH. I should say that some leeway was certainly necessary. I checked up, for example, on the ratio between expenditures for the last war and the amount of money available to President Wilson in relation to the corresponding amounts in the appropriations available in this war. The ratio of the President's fund to the total in this war is approximately half of what was available during the last war.

You should bear in mind, too, that there are funds available to the Chief of Staff. As I recall, that is approximately \$150,000,000. Anything in the way of an emergency for the Army would fall properly within that category and would naturally be taken from that fund. There are undoubtedly purposes that will arise that will not fall within the scope of any of the funds that are available elsewhere.

ALLOCATIONS FOR CONFIDENTIAL PURPOSES

Mr. TABER. With the exception of that \$11,000,000, the one single item in there in this list, there is nothing confidential or particularly of an exciting nature?

Mr. SMITH. I think that would be a matter of judgment, Mr. Taber.

Mr. TABER. You look at it and tell me what you think. Not a single item. There are two items, the State Department's confidential purposes, \$10,500,000, and the Navy Department, \$500,000, but outside of that there is not a single item that is the least bit confidential or unusual all the way through it, or exciting.

Mr. SMITH. Mr. Taber, we tried——

Mr. TABER (interposing). Or pressing, even.

Mr. SMITH. We have tried to be faithful in our obligations to the committee, but, in the periods between deficiency bills, there are items that come up that in the judgment of those involved, seem very pressing for which the money is needed at once.

The CHAIRMAN. When you add this up here, there are two items, the Navy Department confidential purposes, \$500,000 and the State Department confidential purposes, \$10,500,000, and that would be a total of \$11,000,000, and when you subtract that from your total \$12,664,000 here, that leaves only about \$1,664,000 to cover all the purposes, and that is a pretty fine record. That looks like a very favorable ratio.

Mr. SMITH. I called your attention to the items on decentralization expense which we could not very well anticipate. They are relatively small items, but from the beginning of the program we have taken them from this fund.

Mr. WIGGLESWORTH. Why?

The CHAIRMAN. All combined, there are only about \$80,000, a little over \$80,000.

What about this Civil Service Commission? I mean, the item for traveling expenses, \$400,000. That is one of the larger items.

Mr. LAWTON. That was to meet a critical employment shortage on the west coast.

The CHAIRMAN. And it would take \$400,000 to do it?

Mr. LAWTON. Yes. There was quite a number of employees involved.

Mr. WOODRUM. And after you got them out there a good many of them went to work for other people? That is the story that we heard on it.

The CHAIRMAN. In your estimate here you are asking that the amount that should be expended for confidential purposes be increased to \$25,000,000. I believe that I adduced from what you said in your opening statement that the original limitation was \$3,237,000.

Mr. SMITH. That is the balance.

The CHAIRMAN. What was your original limitation there?

Mr. LAWTON. The total limitation is \$62,500,000.

The CHAIRMAN. When you add this \$25,000,000, then?

Mr. LAWTON. It will make \$87,500,000.

The CHAIRMAN. What is the necessity to increase that amount? That is a very substantial amount, \$62,000,000.

Mr. LAWTON. The balance is \$3,237,000 in that fund now, and it will have to run for 14 months.

The CHAIRMAN. That will give you \$28,600,000 for 1944.

Mr. LAWTON. Not, for 1944, only, it will be a 14 months' period.

The CHAIRMAN. That is, from the date of the passage of the bill.

Mr. LUDLOW. Is it ever contemplated that the record of the disbursements will ever be made public, or will it always be confidential?

Mr. LAWTON. The law provides that the reports shall be made on these funds on January 10, 1944, and such of these confidential expenditures as it seems appropriate to make public, can be made public at that time.

Mr. LUDLOW. Is that the statute?

Mr. LAWTON. The appropriation act includes the provision that the report be made as of that time.

Mr. WOODRUM. And there is a record made of the expenditures?

Mr. LAWTON. There is a record made of the expenditures. It is permissible on these to use a certificate instead of a voucher.

Mr. SMITH. I know that they have been careful to keep a record of all of the disbursements under these confidential funds.

Mr. WIGGLESWORTH. What is the status of the Governor Lehman organization?

Mr. SMITH. With respect to the appropriations?

Mr. WIGGLESWORTH. It has been stated that that organization is to be set up and financed out of the emergency funds.

Mr. LAWTON. It was originally. We allocated \$500,000 to establish it. It is listed in the independent offices hearings.

Mr. WIGGLESWORTH. It is contemplated that that organization shall come before this committee for funds: is it?

Mr. LAWTON. It is my understanding.

Mr. MARTIN. We are waiting for an estimate right now, and as soon as they are able to furnish it we will send it to the President for transmittal to the Congress.

Mr. WIGGLESWORTH. It is not contemplated to put up any more funds for that organization out of the emergency funds?

Mr. MARTIN. No, sir; it is not.

Mr. WIGGLESWORTH. There is no other new organization pending that is contemplated to be financed in the first instance out of the emergency fund?

Mr. MARTIN. Not to my knowledge.

Mr. SMITH. The only recent one was the Committee for Congested Production Areas.

Mr. WIGGLESWORTH. Why did that have to come out of emergency funds?

Mr. SMITH. We had to get it going rather quickly.

Mr. WIGGLESWORTH. The Congress has been here, with the exception of a few days last week. It has been here every day and every week since we last talked this matter over in January. You will recall at that time that Congressman Starnes made an emphatic protest against setting up new organizations out of emergency funds as in the past and placing Congress in the position where it is necessary to go along and approve what has been done or overturn the action of the President in setting the organization up.

Mr. SMITH. In this case, the small amount of money is to get this group going. Most of the people will be detailed on a cooperative basis from the Army, the Navy, the Maritime Commission, and so forth, to do the job that needs to be done.

Mr. WIGGLESWORTH. Why could that not come up here? The chairman points out that in dollars and cents the bulk of the items since January 1 have been for confidential purposes, but if you take the list of items, it is quite an extensive list, and there are only two of them which seem to fall within the confidential category.

Mr. SMITH. One of the practical problems that you are up against in a situation particularly of this sort, where you are developing a cooperative arrangement between the departments and want to keep the staff small is that it is almost impossible in the first instance to submit an intelligent budget to you. It is a relatively small amount, and we can submit a budget to you later on this very program.

Mr. WIGGLESWORTH. You make an estimate, and you pay it out of the emergency fund. You could make that same estimate to the Congress and let Congress pass on it.

Mr. SMITH. I am sure that the \$25,000 will not cover this activity, and nobody seems yet to know just what the problem is. This is purely exploratory in the beginning.

Mr. WIGGLESWORTH. It is a small item in itself, but the principle of the thing, to my mind, is extremely important.

Mr. SMITH. The Army and the Navy put plenty of pressure on me to make me believe that it was an emergency.

Mr. TABER. How big a hurry was it?

Mr. SMITH. Quite urgent.

(Discussion off the record.)

Mr. WIGGLESWORTH. I do not see why they could not be taken care of by the Congress.

Mr. SMITH. Some further explanation should be made of the policy with respect to these allocations. Our general rule is that items will be financed out of the emergency fund, first, if they are confidential in nature and secrecy is an element in the effectiveness of the program; second, if they are urgent in character and action must be taken immediately; and, third, if they are parts of a program heretofore wholly financed out of emergency funds, such as decentralization.

I recognize that there is room for a difference of opinion as to the urgency of some of these matters, but we feel that each case

in which we have acted there has been sound ground for utilizing the President's fund. As a matter of fact the language of the appropriation provides that it shall be allocated for purposes for which Congress has heretofore made appropriation or authorization, indicating that Congress recognized the impracticability of attempting to meet each situation through the medium of an appropriation act. While it is true that Congress has been in almost continuous session during the war, it is not feasible in every case to make appropriations quickly. The urgent deficiency bill which was enacted into law on May 7 was reported in the House on April 13. One of the estimates included in that bill was submitted as early as March 23.

I feel sure the committee will agree that in making allocations from the President's fund we have restricted them to those urgent matters which it was impracticable for Congress to handle.

The CHAIRMAN. All right; we thank you gentleman very much for coming up.

FRIDAY, MAY 7, 1943.

FEDERAL WORKS AGENCY

PUBLIC BUILDINGS ADMINISTRATION

STATEMENTS OF E. R. WITMAN, CHARLES A. PETERS, CLAY GUTHRIDGE, ACCOMPANIED BY R. O. JENNINGS, H. L. McLEOD, FEDERAL WORKS AGENCY, PUBLIC BUILDINGS ADMINISTRATION, AND C. W. McALLISTER, FEDERAL WORKS, OFFICE OF THE ADMINISTRATOR

SALARIES AND EXPENSES, PUBLIC BUILDINGS AND GROUNDS IN THE DISTRICT OF COLUMBIA AND ADJACENT AREA

The CHAIRMAN. We have before us in House Document No. 185 the following item:

Salaries and expenses, public buildings and grounds in the District of Columbia and adjacent area: For an additional amount, fiscal Year 1943, including the objects specified under this head in the Independent Offices Appropriation Act, 1943, \$1,203,800: *Provided*, That during the existing war the provisions of section 322 of the act of June 30, 1932, as amended (40 U. S. C. 278a), shall not apply to leases certified by the Commissioner of Public Buildings as covering premises necessary for the prosecution of the war, except that the authority for rental payments in excess of 15 percent of the fair market value of the properties shall be limited to buildings leased under the decentralization program: *Provided further*, That the limitation of 25 cents per square foot for storage accommodations within the District of Columbia, in the act of March 2, 1913 (40 U. S. C. 36), shall not apply to leases heretofore or hereafter negotiated (56 Stat. 407, 999) ----- \$1, 203, 800

ADDITIONAL RENT, OPERATION, MAINTENANCE, AND PROTECTION OF RENTED BUILDINGS

Mr. WITMAN. I think that we have presented our background pretty thoroughly in the justification which has been furnished to the committee. If there are any questions that the committee would like to ask Mr. Peters, I think that he is thoroughly qualified to answer them.

The CHAIRMAN. This is a rather substantial deficiency, Mr. Peters. What is the cause of this deficiency?

Mr. PETERS. Mr. Chairman, the first item of \$1,203,800 is to pay additional rent, the operation, maintenance, and protection of rented buildings in Washington, to provide for space adjustments and moving, and make tenant changes in the buildings. There has been a great expansion of Government activities in Washington requiring considerable moving, and where the establishments have been moved out of Washington it has been necessary to do a lot of moving and rearranging in Washington to use the space to the best advantage.

The CHAIRMAN. You had \$24,466,500.

Mr. PETERS. Yes, sir.

The CHAIRMAN. How much have you on hand obligated at this time, as of April 30?

Mr. PETERS. Mr. Chairman, may I say first we have suspended the making of any rent payments, or paying for supplies, in order to conserve the little balance we have to meet the pay rolls this month. We have a statement here giving the net obligations through April amounting to \$23,358,799.

The CHAIRMAN. That leaves you on hand what unobligated balance as of that date?

Mr. PETERS. Approximately \$1,100,000

The CHAIRMAN. How much will you have to cover April and May?

Mr. PETERS. The amount requested in this item, Mr. Chairman, \$1,203,800, plus \$3,000,000 in another bill, which is pending for overtime pay, and the changes which were authorized by the Congress last August when custodian employees were reallocated to a C. P. C. service.

The CHAIRMAN. On the first page here of your justifications, do these items constitute obligations that have been incurred at this time?

Mr. PETERS. Yes.

The CHAIRMAN. Already due?

Mr. PETERS. Yes. They are either due or part of them will be due in May or June.

The CHAIRMAN. Now, rent of space. You have had to have more space than anticipated?

Mr. PETERS. Yes. Some of the buildings, Mr. Chairman, are rented without service. We rent a bare building and we employ the custodial force, and this item represents principally that type of service.

The CHAIRMAN. Now, you have "alterations for space, \$128,000." Does that mean that you rent this building, you rent it as it is, and make your own alterations?

Mr. PETERS. That is true in many cases, and that is what is represented by that figure. It is altering a place not suitable. In other words, Mr. Chairman, quite often we have to rent garages, warehouses, or any place that we can get and alter to meet the need.

The CHAIRMAN. I take it for granted that those alterations have been made up to this time, or do you expect some further alterations?

Mr. PETERS. They are either made or in process. We have some items in progress at this time.

The CHAIRMAN. In any event, you have alterations in progress most of the year?

Mr. PETERS. Yes, sir.

The CHAIRMAN. How do tenant changes affect the situation? You have \$94,000 for tenant changes.

Mr. PETERS. In connection with tenant changes, Mr. Chairman, the Bureau of the Budget would only permit us what they thought was a minimum requirement in advance, feeling that we should give further justification later in the year for additional funds.

TOTAL SPACE GOVERNMENT-OWNED PERMANENT AND TEMPORARY BUILDINGS AND
LEASED AND RENTED BUILDINGS

The CHAIRMAN. What is the total space maintained in square feet?

Mr. PETERS. Mr. Guthridge is in charge of our space control and will be glad to answer that.

The CHAIRMAN. It must be a large amount. What is the total of Government space?

Mr. GUTHRIDGE. I can give you some facts on occupancy.

The CHAIRMAN. You might give us the total rented space in the District of Columbia, the total Government-owned space, and the total space.

Mr. GUTHRIDGE. We have for the committee a progressive chart from 1926 up to last December.

Mr. WOODRUM. What are the figures?

The CHAIRMAN (examining statement). Do you mean that the Government-owned permanent buildings have increased? Is this in the District of Columbia, or throughout?

Mr. GUTHRIDGE. The District of Columbia.

The CHAIRMAN. They have increased from 5,000,000 square feet in 1926 to 20,000,000 square feet in 1943.

Mr. GUTHRIDGE. That is right. That is the Government-owned permanent buildings in the first column.

Mr. TABER. Temporary 6,000,000?

The CHAIRMAN. Your leased quarters have increased from 1,600,000 to 6,727,000 net square feet, and your rentals have increased from \$867,000 to \$6,032,000. The square feet per person has dropped.

Mr. GUTHRIDGE. That is a significant factor in that chart.

The CHAIRMAN. We will include this chart in the record.

Federal departments and independent agencies, District of Columbia, including adjoining areas, space reports Dec. 31, 1926, to Dec. 31, 1942

Date	Government-owned permanent buildings, net square feet	Government-owned temporary buildings, net square feet	Total Government-owned, net square feet	Leased, net square feet	Rental	Total net square feet	Total personnel	Square feet per person
Dec. 31, 1926	5,684,522	2,590,683	8,275,205	1,600,466	\$857,141.68	9,875,671	50,187	197
Dec. 31, 1927	5,323,263	2,790,207	8,113,470	1,598,457	997,120.41	9,711,627	50,513	192
Dec. 31, 1928	5,221,257	2,834,934	8,056,191	1,673,430	1,210,335.83	9,729,621	51,057	191
Dec. 31, 1929	5,776,323	2,848,074	8,624,397	1,750,217	1,381,308.82	10,374,614	50,987	203
Dec. 31, 1930	6,747,142	2,752,358	9,499,500	1,485,706	1,206,908.52	10,985,206	59,796	184
Dec. 31, 1931	6,856,830	2,790,407	9,647,237	1,500,175	1,268,864.35	11,147,412	57,474	194
Dec. 31, 1932	7,970,230	2,766,853	10,737,083	1,090,925	892,208.28	11,828,008	57,270	207
Dec. 31, 1933	8,604,760	2,580,814	11,185,574	1,181,735	826,798.95	12,367,309	64,208	193
Dec. 31, 1934	9,919,922	2,156,071	12,075,993	1,673,632	1,497,526.77	13,749,625	64,195	214
Dec. 31, 1935	11,000,827	2,199,173	13,200,000	2,610,636	2,564,834.25	15,810,636	98,086	161
Dec. 31, 1936	11,362,467	2,000,060	13,362,527	2,943,656	2,800,000.00	16,306,183	99,949	163
Dec. 31, 1937	12,768,782	1,569,821	14,338,603	3,226,232	2,879,787.02	17,561,835	102,306	172
Dec. 31, 1938	13,937,677	1,531,931	15,469,608	3,479,255	3,214,124.00	18,948,863	109,022	174
Dec. 31, 1939	13,897,589	1,630,747	15,527,336	4,176,509	3,698,623.88	19,703,845	116,050	170
May 31, 1940	14,535,949	1,857,834	16,393,783	4,303,245	3,866,494.63	20,697,028	116,050	178
Dec. 31, 1940	14,798,797	1,592,245	16,391,042	4,870,287	4,528,385.65	21,261,329	133,500	159
June 30, 1941	16,199,708	2,465,001	18,664,709	5,157,201	4,584,240.00	23,821,910	167,865	142
Dec. 31, 1941	17,169,881	2,649,859	19,819,740	5,894,879	5,363,240.90	25,714,619	183,575	140
June 30, 1942	17,662,443	5,454,968	23,117,411	6,547,642	5,573,952.77	29,665,053	240,524	123
Sept. 30, 1942	18,731,739	5,885,582	24,617,321	6,789,626	5,961,545.59	31,406,947	257,789	122
Dec. 31, 1942	20,505,040	15,829,727	26,334,767	6,727,193	6,032,791.00	33,061,960	264,575	125
						20,500,000	227,535	90

¹ See the following:

	Square feet
Includes all temporary buildings	3,758,205
Munitions	772,483
Navy	982,505
Potomac Park Apartments	74,083
Mayfair Apartment	24,812
War Department Annex	96,284
Belasco Theatre	30,000
Riverside Apartments	50,746
2123 C Street N.W.	1,673
Briggs School	9,662
2210 E St. N.W.	6,771
247 Delaware Ave. SW	13,200
2201 New York Ave. N.W.	9,306
Total	5,829,727

² Includes 3,000,000 in Pentagon, approximately 1,150,000 additional to be reported.

³ Based on Aug. 23, 1942, space analysis—62 percent of total space is working space and 38 percent of total space is nonworking space.

⁴ Based on Aug. 23, 1942, space analysis—86 percent of personnel in working space and 14 percent of personnel in nonworking space and on night shift.

The CHAIRMAN. Please explain how the number of square feet per person has increased from 122 to 125 between September and December 1942.

Mr. GUTHRIDGE. That is the time we were going into the Pentagon Building.

The CHAIRMAN. I should think that Pentagon Building would affect any statistics to which it could be applied.

EFFECT OF REDUCTION IN PERSONNEL AND DECENTRALIZATION UPON SPACE REQUIREMENTS

Now, at the present time are the most of your activities housed, or is there an increasing demand for space?

Mr. GUTHRIDGE. We believe, Mr. Chairman, that we have reached the point where we will have little more demand for additional buildings, or the renting of large buildings.

The CHAIRMAN. You think from now on it will be static?

Mr. GUTHRIDGE. We think so.

The CHAIRMAN. Has the decrease in personnel ordered by the Budget relieved the situation to any extent?

Mr. GUTHRIDGE. In several cases it has, and in some cases it has not been enough to release space.

The CHAIRMAN. What about your decentralization program?

Mr. GUTHRIDGE. That has helped immensely, because if we had not decentralized we would have had to provide something like 3,000,000 feet of additional space or, rather, 2,800,000, that was provided otherwise by decentralization.

The CHAIRMAN. Well, the reduction of personnel occasioned by the order of the Budget Bureau did not reduce appreciably the rental requirements, but did increase the number of square feet per person?

Mr. GUTHRIDGE. In some cases it reduced the requirements; and if certain activities had not moved from Washington we would have rented considerably more space than is represented in the estimate before you.

The CHAIRMAN. Under this heading you also have an estimate of \$3,000,000. When will you have to have additional funds; when will your present funds be exhausted?

Mr. PETERS. As I have explained, we have suspended payment of rents and have suspended payment of vouchers for supplies in order to meet pay rolls this month. We are having a lot of pressure from those from whom we purchased supplies to pay our bills, also from the people from whom we rented space; but we must have money this month to meet our pay rolls.

SALARIES AND EXPENSES—BUILDINGS OUTSIDE OF DISTRICT OF COLUMBIA

The CHAIRMAN. Your second item here is for buildings outside of the District of Columbia. You have for 1943, \$5,919,175. How much do you have left of those funds? What is your balance as of the last date available?

Mr. PETERS. The situation is the same in the out-of-town appropriation. We are not paying rents. We have a statement of the obligations through April 30, and those obligations amount to \$5,766,090.

Mr. TABER. You mean you have that much outstanding now?

Mr. PETERS. We have spent or obligated that amount, Mr. Taber, through April 30.

The CHAIRMAN. How do you arrive at this \$876,000? You have added language as follows:

Provided, That during the existing war the provisions of section 322 of the act of June 3, 1932, as amended (40 U. S. C. 278a), shall not apply to leases certified by the Commissioner of Public Buildings as covering premises necessary for the prosecution of the war, except that the authority for rental payments in excess of 15 percent of the fair market value of the properties shall be limited to buildings leased under the decentralization program; *Provided, further*, That the limitation of 25 cents per square foot for storage accommodations within the District of Columbia, in the act of March 2, 1913 (40 U. S. C. 36), shall not apply to leases heretofore or hereafter negotiated (56 Stat. 407, 999), \$1,203,800.

Have those obligations already been incurred for the \$876,000?

Mr. PETERS. Yes, sir. We need that amount, plus the amount of \$767,000 in the overtime pay bill, which, I believe, the committee is considering in order to pay all of our obligations this fiscal year.

RENT OF BUILDINGS FOR AGENCIES DECENTRALIZED

The CHAIRMAN. Under what circumstances, Mr. Peters, do you rent buildings for other agencies and pay the rent for them?

Mr. PETERS. With respect to the District of Columbia, or the field?

The CHAIRMAN. The field.

Mr. PETERS. With regard to the field, we carry the obligations for buildings involved in the decentralization program.

The CHAIRMAN. All of these items, I understand, are outside of the District of Columbia?

Mr. PETERS. This particular item, yes, sir. We carry the rent obligation for the agencies sent to the field, and practically this entire increase is due to the decentralization movement.

The CHAIRMAN. What agencies are involved?

Mr. PETERS. The War Department is one of the largest; for housing that part of the War Department moved to Newark, N. J. That is the Allotment Branch for soldiers' dependencies. Another branch of the War Department—the War Bond Division—is in Chicago. And we have moved part of the Navy Department to Cleveland. I think that is part of the Supply Branch of the Navy. Part of the General Accounting Office moved to Asheville; another part of the War Department was moved to High Point. It is principally the War and Navy Departments that have been moved.

The CHAIRMAN. What about the R. E. A.?

Mr. GUTHRIDGE. Yes; and the Patent Office. That was taken care of prior to this estimate.

AMOUNT OF SPACE IN GOVERNMENT-OWNED AND GOVERNMENT-RENTED BUILDINGS OUTSIDE
THE DISTRICT OF COLUMBIA

The CHAIRMAN. How much space do you have that is Government-owned and Government-rented outside of the District, in the field?

Mr. GUTHRIDGE. The last monthly report shows, outside of the District of Columbia, there has been acquired through our office, that is, leases by other agencies submitted to us for clearance——

The CHAIRMAN. Is it possible that some of it would be cleared through other agencies than yours?

Mr. GUTHRIDGE. No; it is all supposed to clear through us.

The CHAIRMAN. Then all of it is cleared through you?

Mr. GUTHRIDGE. Everything is cleared through us—168,600,000 feet of space leased by the Government outside of the District of Columbia.

The CHAIRMAN. How much is owned?

Mr. GUTHRIDGE. There is about 60,000,000 feet.

Mr. WOODRUM. Does that include storage, too?

Mr. GUTHRIDGE. The leased space includes storage. Incidentally, in addition to that, there are 13,500,000 feet of space in post-office leases.

The CHAIRMAN. How are you fixed to meet your May pay rolls under this item?

Mr. PETERS. The same situation exists as I indicated for the District. We have suspended paying rents and suspended payment for supplies. We hope by doing that to be able to meet the May pay rolls.

Mr. WOODRUM. Do you mean the middle of May or the last of May, or both?

Mr. PETERS. The middle of May and we hope the last of May, too.

Mr. WOODRUM. What about discounts on bills?

Mr. PETERS. We are meeting the bills that require discounts; we have set aside a certain amount for that.

Mr. WOODRUM. In other words, if you get this money by the 1st of June, you are all right?

Mr. PETERS. If it is made available, so that we can spend it.

CHANGE OF LANGUAGE REQUESTED IN RE BUILDINGS IN THE DISTRICT OF
COLUMBIA

The CHAIRMAN. Now, you have some new language.

Provided, That during the existing war the provisions of section 322 of the act of June 30, 1932, as amended (40 U. S. C. 278a), shall not apply to leases certified by the Commissioner of Public Buildings as covering premises necessary for the prosecution of the war, except that the authority for rental payments in excess of 15 percent of the fair market value of the properties shall be limited to buildings leased under the decentralization program: *Provided further*, That the limitation of 25 cents per square foot for storage accommodations within the District of Columbia, in the act of March 2, 1913 (40 U. S. C. 36), shall not apply to leases heretofore or hereafter negotiated.

What is the need for that language?

Mr. PETERS. In the District, we have had the problem of attempting to rent garages, warehouses, or any space we could find and convert the buildings for office use by the Government. Many times it is necessary to spend more than 25 percent of the first year's rent to make the space usable. To date, we have been able to get the War Department and the Navy Department to give us a certificate of clearance, which permitted us to make the expenditure.

However, since some of the buildings are not actually used by the War Department or the Navy Department, they are very reluctant to do that, which is quite natural, and we are asking for this legislation so that we may have the same authority that the War and the Navy Departments have, to make these improvements on the certificate of the Commissioner of Public Buildings.

The CHAIRMAN. Are there any questions?

OBLIGATIONS AGAINST CURRENT APPROPRIATIONS

Mr. TABER. Suppose you give me the amount of your appropriation for the current fiscal year, for the first item.

Mr. PETERS. Would you want to glance at this statement, which breaks it down by months?

Mr. TABER. Yes.

Mr. PETERS. And which I believe gives you a pretty good picture, or you may want to put that in the record.

Mr. TABER. I think you might indicate there if it included overtime pay.

Mr. PETERS. If you would like to have the two amounts——

Mr. TABER. I understand, but you had better say "including overtime pay" here that would be involved.

Mr. PETERS. The overtime pay is \$3,000,000 and, in the out of town, the same situation exists.

Mr. TABER. I think maybe it is better to put this in than my questions.

Mr. PETERS. I felt you would want this in the record, that is why I prepared it.

(The matter above referred to is as follows:)

Obligations incurred against appropriations for fiscal year 1943

	Salaries and expenses, Public Buildings and Grounds	
	In the District of Columbia and adjacent area	Outside the District of Columbia
Amounts appropriated:		
Regular appropriation.....	\$19,656,500	\$3,140,675
Supplemental appropriation.....	4,810,000	2,778,500
Pending supplemental estimates.....	¹ 4,203,800	¹ 1,643,000
Total.....	28,670,300	7,562,175
Amounts obligated by months:		
July 1942.....	2,840,766	462,500
August.....	1,665,260	415,382
September.....	1,921,829	726,505
October.....	2,051,674	412,625
November.....	2,136,880	470,222
December.....	2,526,154	465,662
January 1943.....	2,602,008	551,563
February.....	2,635,851	651,324
March.....	2,412,534	736,860
April.....	2,565,843	873,447
Total net obligations through April.....	23,358,799	5,766,090
Estimated obligations, May and June.....	5,311,501	1,796,085
Total.....	28,670,300	7,562,175

¹ Including overtime pay.

Mr. TABER. This \$4,203,800 does not include this particular item—or does it?

Mr. PETERS. Yes, sir. There is \$3,000,000 in the overtime pay item and \$1,203,800 in this estimate.

EFFECT OF 48-HOUR WORKWEEK

Mr. TABER. All right. What effect has the 48-hour week had on your situation?

Mr. PETERS. Mr. Taber, the 48-hour week, of course, has increased our problem substantially.

Mr. TABER. You mean it has made it harder for you?

Mr. PETERS. Yes, sir.

Mr. TABER. Why?

Mr. PETERS. Being a service organization, we must provide the service that the other departments require and, if you will remember, the other departments were practically on a 7-hour day, or 39-hour week. Now, when the departments went on an 8-hour day, or a 48-hour week, that meant substantially more service. As an example, I might cite elevators. In normal times, we operated elevators with operators working 8 hours a day. They still work 8 hours a day, but the departments require approximately 9 hours' service to carry the morning and evening peaks. Previously they worked 7 hours a day and we could meet the morning and evening peaks with our elevator operators working 8 hours. You see, our custodial forces have always worked 8 hours, so that we have received no benefit from the 8-hour day.

Mr. TABER. You are in just as much trouble as you were before?

Mr. PETERS. More.

Mr. TABER. I guess we ought to have that in the record. I think that will clear up any questions I have.

INCREASED RATE ON STORAGE SPACE

The CHAIRMAN. What is the necessity for the increased rate of storage space?

Mr. PETERS. That was the item I was going to speak of.

The CHAIRMAN. Tell us about that.

Mr. PETERS. For many years, it was considered that the Economy Act, which set a limitation on rentals at 15 percent of the fair market value, covered all types of space, including storage space. Recently, the Comptroller General has stated this old law of 1913 applies. We have executed many leases in past years for storage space at greater rentals than 25 cents per square foot. Obviously 25 cents in 1913 would not be adequate today.

LIMITATION ON PAYMENT OF RENTALS IN EXCESS OF 15 PERCENT OF FAIR-MARKET VALUES OF PROPERTIES INVOLVED

Mr. TABER. Referring to this change of language, why should that exception apply to anything except the buildings leased in the decentralization program?

Mr. PETERS. The exemption there, Mr. Taber, is worded in such a manner that it does not permit us to pay more than 15 percent for buildings rented in the District of Columbia.

Mr. TABER. It is fixed up in such shape that it applies to those buildings only that are leased under the decentralization program?

Mr. PETERS. And those are outside of Washington, Mr. Taber.

Mr. TABER. Yes; but the 15-percent business will still apply in the District of Columbia?

Mr. PETERS. Yes, sir; in the District.

Mr. TABER. Why should not it apply outside of the District of Columbia on the other buildings?

Mr. GUTHRIDGE. It does apply on all buildings outside and inside of the District of Columbia, except the decentralization program buildings.

Mr. TABER. That is right; it does let you pay more than 15 percent. Why do you want to pay more than 15 percent on the decentralization buildings?

Mr. PETERS. A number of the decentralization-program buildings were rented originally through funds allocated to us from the President's emergency fund, which was not subject to this 15-percent limitation.

Mr. TABER. Then your leases were improvident?

Mr. PETERS. The leases were considered perfectly proper, utilizing those funds.

Mr. TABER. They were improvident, but perhaps legal, utilizing those funds?

Mr. PETERS. Yes, sir.

Mr. TABER. I do not see just why you should have that provision in here at all. I think you had better bring those leases down to earth.

Mr. WHITMAN. May I draw a little parallel?

The CHAIRMAN. Yes.

Mr. WITMAN. Several years ago, this committee included in our appropriation for the construction of buildings, an exemption from section 322 of the Economy Act in connection with the rental of space and the remodeling of that space for emergency occupancy while we were either remodeling or reconstructing buildings on old sites, because the Comptroller General had made it rather difficult for us to carry out our program properly. You cannot always rent space which is immediately adaptable to a post office or a courthouse, or even an office building, without expending more than the limitation provided by the Economy Act, and this committee recognized that fact, and Congress also. This is more or less along that same line. These spaces having been rented as emergency propositions, had to be prepared in a hurry, and it was not always possible——

Mr. TABER. Your decentralization program was to take the activities of the Government into towns where there was a considerable percentage of vacancies, and where help could be had to good advantage, and all that sort of thing?

Mr. WITMAN. That was the theory.

Mr. TABER. Under that kind of proposition, I assume you could rent for 15 percent of the value of the property.

Mr. WITMAN. That is good theory, but it did not work out that way.

Mr. WIGGLESWORTH. I may be wrong, but I am under the impression Mr. Reynolds told us in January that rentals had been held within that 15 percent, as far as the District was concerned.

Mr. WITMAN. That is true as far as the District is concerned.

Mr. TABER. What about outside?

Mr. PETERS. This only applies on those buildings rented under the decentralization program.

Mr. TABER. Where did you have that authority before; you have not had that authority before except you have had emergency funds and you have used them without regard to that limitation?

Mr. PETERS. Yes, sir; that is true.

Mr. WIGGLESWORTH. What is the maximum rental you have paid, in terms of the fair market value?

Mr. PETERS. We will be glad to furnish you with a list of the buildings involved, for the record.

Mr. TABER. I would like to have that put in the record, I think.

Mr. PETERS. Yes, sir.

List of buildings involved in the decentralization program

Building and location	Area	Annual rental	Assessed value	Percentage of rental to assessed value	Remarks
1. 22 Battery St., San Francisco, Calif.	19,800	\$23,760	\$217,950	11	Government rents only a portion of building and owner furnishes services.
2. Merchandise Mart, Chicago, Ill.	533,750	630,992	12,737,619	37.5	
3. 188 West Randolph St., Chicago, Ill.	32,012	35,012	35,012	9.7	
4. 829 St. Charles St., New Orleans, La.	30,038	9,000	31,000	29	Government rents only a portion of building; owner furnishes services.
5. Equitable Bldg., Baltimore, Md.	50,714	{ 154,368 155,013 }	{ 1,002,550 15,419 }	{ 16.5 15.4 }	
6. Snow Bldg., Baltimore, Md.	5,111	{ 5,576 5,106 }	{ 50,800 58,300 }	{ 17 10 }	
7. Stewart Bldg., Baltimore, Md.	6,332	8,166	58,300	17	Building constructed in 1921 at cost of \$192,000. Land purchased at approximately \$78,000. Low assessment. This building is owned by the city and has no assessed valuation. The amount of \$6,500,000 is the construction cost.
8. Garage, 1219 Wyandotte St., Kansas City, Mo.	40,000	15,000	68,970	21.7	
9. Municipal Auditorium, Kansas City, Mo.	178,354	161,763	6,500,000	-----	
10. Boatmen's Bank Bldg. and Annex, Kansas City, Mo.	118,278	144,847	2,223,430	13.2	Appraisal value for 1943, \$571,657.
11. 15 East 37th St. and 232 Madison Ave., New York, N. Y.	9,065	5,000	7,653,000	9	
12. 153 East 44th St., New York, N. Y.	32,032	36,000	2,500,000	14.8	
13. 285 and 216 Madison Ave., New York, N. Y.	58,402	83,487	8,800,000	9.38	Lessor furnishes all maintenance. Building not appraised since it was converted to office purposes.
14. 346 Broadway, New York, N. Y.	228,284	240,747	1,750,000	13.8	
15. 1560 Broadway, New York, N. Y.	63,717	89,204	2,275,000	11.6	
16. 330 South Greene St., Greensboro, N. C.	10,000	11,000	160,530	14.2	Was an old warehouse. Insurance value is \$1,043,000. Fair market value, \$218,724. Building not previously operated as office building; owner furnishes certain services; Government took best space, leaving for other use the garage and service portions. Fair market value, \$219,596. Owner furnishes services; eliminating services from the rental, the rate is below 15 percent.
17. Nissen Bldg., Winston-Salem, N. C.	31,550	37,860	400,160	22	
18. Faller Bldg., Cincinnati, Ohio	92,000	30,000	310,130	9.6	
19. 1037 North High St., Columbus, Ohio	25,000	22,000	336,300	27.5	Fair market value, \$218,724. Building not previously operated as office building; owner furnishes certain services; Government took best space, leaving for other use the garage and service portions. Fair market value, \$219,596. Owner furnishes services; eliminating services from the rental, the rate is below 15 percent.
20. City Centre, Philadelphia, Pa.	26,000	30,000	1,115,300	11	
21. Franklin Trust, Philadelphia, Pa.	185,675	215,000	2,240,000	10.2	
22. Penn Athletic Club, Philadelphia, Pa.	410,210	200,000	2,352,700	8.6	Owner furnishes services, but has not given us costs of same which are deductible from percentage. Full value, \$539,280.
23. Pennsylvania, Philadelphia, Pa.	57,450	86,175	1,543,500	9.6	
24. 340 North Broad St., Philadelphia, Pa.	13,860	9,800	34,230	6.7	
25. Patent Office Bldg., Richmond, Va.	180,000	118,333	4,330,000	35.5	Owner furnishes services, but has not given us costs of same which are deductible from percentage. Full value, \$539,280.
26. United Motors, 467 Peachtree St., Atlanta, Ga.	59,928	(5)	152,750	10	
27. Nash Bldg., Chicago, Ill.	107,524	53,829	81,255	32	
28. Carson, Pirie, Scott & Co., Chicago, Ill.	597,412	(6)	1,638,682	9	Owner furnishes services, but has not given us costs of same which are deductible from percentage. Full value, \$539,280.
29. McJrse Central, Bronx, N. Y.	37,716	30,340	1,005,000	12.9	
30. 63 Vesey St., New York, N. Y.	105,180	39,880	625,000	6.38	
31. Southern Furniture Exposition Bldg., High Point, N. C.	238,669	214,802	438,390	54.74	Owner furnishes services, but has not given us costs of same which are deductible from percentage. Full value, \$539,280.
32. Higbee and Higbee Annex, Cleveland, Ohio.	305,382	110,000	1,146,880	8.7	
		136,500		12	

¹ For first year only.

² For ensuing years.

³ Assessed valuation in 1936—market value, 1936, was \$55,000.

⁴ Insurable value, \$1,043,000.

⁵ Rental, Mar. 1, 1943-Feb. 28, 1944, \$15,974.80; Mar. 1, 1944-Feb. 28, 1946, \$20,974.80.

⁶ Rental, Mar. 1, 1943-Feb. 28, 1944, \$300,000; after Mar. 1, 1944, \$500,000 per annum.

The CHAIRMAN. Of course, the true test there, Mr. Peters, is whether you can get these quarters, rather than how much you pay for them. Now, they are housed, are they not?

Mr. PETERS. Yes, sir.

The CHAIRMAN. Of course, they must be housed. You have no other alternative; you must provide quarters. If you cannot get them at a reasonable figure you must pay what you can get them for, provided it is not too much out of line. How do these figures compare with current rates in the same vicinity?

Mr. GUTHRIDGE. It might be pointed out that the decentralization program buildings were rented at an extremely low price compared to existing rates in the cities, and with what is being paid by other activities.

The CHAIRMAN. This checks up very well with the prevailing rates, then?

Mr. GUTHRIDGE. Yes. For instance, they would take a big building where the owner would agree to move all of his tenants out—some buildings, of course, were partly vacant, and, to get those concessions, the decentralization program would lease a building, say, for 2 or 3 years; otherwise the owner would not be willing to dispossess his tenants.

Mr. TABER. Is this for the purpose of covering up the operation of leasing these high-toned hotels in Miami?

Mr. GUTHRIDGE. No.

Mr. TABER. And the high-toned apartment house up in New York for the WAAC's and the WAVES, and so forth?

Mr. GUTHRIDGE. Not a bit. This is purely for the office activities.

Mr. WITMAN. I might add this, in connection with the interpretation of the term "fair market value": The Economy Act says "fair market value," but the Comptroller General has insisted that the fair market value is the assessed value in those States—

Mr. TABER. Well, where do you get property assessed below the fair value?

Mr. WITMAN. Most everywhere.

Mr. TABER. Where outside of Washington?

Mr. WITMAN. Every place.

Mr. TABER. In New York City the assessments are 150 percent.

Mr. WITMAN. I might except New York City.

Mr. TABER. And they are in my town; they are in every neighboring town of any size up there. And my understanding is that Chicago is in the same shape.

The CHAIRMAN. Out in my country, it is an established practice universally observed that they shall appraise property at 40 percent of its value.

Mr. WOODRUM. That is the way it is in the most of the country.

Mr. TABER. We used to do that years ago, but they have gone "hay-wire" the other way now.

(After discussion off the record:)

The CHAIRMAN. Mr. Witman, could you have secured adequate quarters at a lower rate?

Mr. WITMAN. I do not believe we could.

The CHAIRMAN. It could not have been done under any circumstances?

Mr. WITMAN. No. I think we have done the best possible under the circumstances.

Mr. PETERS. I could give you an example, to show what happened in some of these cases. In Richmond they leased an old warehouse and reconverted it for office use. That warehouse has 180,000 square feet of floor space, yet it is only assessed at \$330,000; but it has an insurable value of over \$1,000,000. In that case, it was necessary to pay 35 percent of the \$330,000. And the reason the assessment was so low for assessment purposes, apparently, was its previous use as a factory.

Mr. WOODRUM. It was assessed as a warehouse and you use it as an office building?

Mr. PETERS. That is correct.

Mr. TABER. Now, you have this 25 cents limitation on storage in the District of Columbia: Where do you have to pay more than that?

Mr. PETERS. Everywhere. We feel that the Economy Act repealed that legislation and it is only recently the Comptroller General held differently. In other words, we have been doing it for years and the General Accounting Office has never questioned it. Then suddenly, within the last year, questioned such rentals although they have handled many leases where we are paying more than 25 cents per square foot. Everyone was of the opinion the Economy Act repealed everything in conflict with it.

The CHAIRMAN. Thank you, gentlemen.

FRIDAY, MAY 7, 1943.

DEPARTMENT OF AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

STATEMENTS OF P. N. ANNAND, CHIEF, AND S. A. ROHWER, ASSISTANT CHIEF

GYPSY AND BROWN-TAIL MOTH CONTROL

The CHAIRMAN. We have before us an estimate in House Document No. 194 in the amount of \$137,400, as follows:

Gypsy and brown-tail moth control: For an additional amount for gypsy and brown-tail moth control, fiscal year 1943, including the objects specified for the appropriation for this purpose in the Department of Agriculture Appropriation Act, 1943, \$137,400.

JUSTIFICATION OF ESTIMATE

The justification which you have submitted on this item may be made a part of the record at this point.

(The matter referred to is as follows:)

JUSTIFICATION OF SUPPLEMENTAL FUNDS NEEDED TO PROTECT UNINFESTED SECTIONS OF THE UNITED STATES FROM THE GYPSY MOTH

In addition to amounts available for the fiscal year 1943 for the item "Salaries and expenses, Bureau of Entomology and Plant Quarantine, gypsy and brown-tail moth control," the sum of \$137,400 is requested to meet the situation arising in connection with the Department's efforts to control and prevent the spread of the gypsy moth. This situation has become known since the submission of the original estimate.

In the summer of 1942 the gypsy moth trapping program showed the presence of male moths in the general vicinity of Albany, N. Y. This was followed up after the foliage fell in the autumn when conditions were more favorable for scouting—an activity which is still in progress—in the areas where male moths were trapped. Results of these inspections to date have been the finding of infestations in three townships in Saratoga County, one township in Ulster County, one township in Greene County, and four townships in Albany and Schenectady Counties. Small infestations were also found on a few street trees in one township in Essex County and in one orchard in Montgomery County, N. Y.

The locations of these infestations west of the Hudson River mean, of course, that they are all at some distance west of the barrier zone. To review the history of the situation briefly, the New York Department of Conservation began, about 1937, to call attention to the need of additional Federal funds to be used in cooperating in gypsy moth suppressive work in eastern New York. The points about which they were then concerned included Shawangunk, Esopus, and some other locations farther south. Their requests became more urgent later on, in 1940, it being indicated they were unable to apply suppressive measures to all points where they were needed. Assistance given them by the Department was limited because the work in Pennsylvania and in the barrier zone was making heavy demands on the Department's resources.

The realization that gypsy-moth infestations were being found beyond the barrier zone and at many points within it, however, indicated that the Department's scouting program had to be expanded, even though the control efforts were correspondingly curtailed. The fact that we lacked information as to current spread of this destructive insect demonstrated that we were in serious danger of failing in our responsibility of protecting uninfested sections, as well as in the effort to restrain the natural spread of the gypsy moth.

During the last several years the gypsy-moth-control work has received substantial assistance from allocations of funds appropriated for relief. That assistance, consisting primarily of additional labor, has permitted the accomplishment of work in many sections of the area where the gypsy moth occurs that could not have been performed with available regular appropriations. It was subject to the drawback, however, that it was not available at all points and that it was not sufficiently mobile so that the maximum forces could be concentrated in the area where the most serious problems existed. Furthermore, large numbers of the men made available through the relief organization were not capable of performing work such as scouting to determine the presence or absence of the gypsy moth. For some time it has been obvious that the gypsy-moth situation is becoming increasingly critical with reference to the Department's responsibility for its control and prevention of spread.

It is proposed to use the \$137,400 requested for work under the project "Control operations for gypsy and brown-tail moths." It is estimated that this sum is needed to apply suppressive measures in certain sections of the barrier zone; in part of New York State west of the zone and in the infested area in Pennsylvania. It is important that these areas be sprayed this spring if we are to suppress the infestation that is building up there and thus prevent spread from these sections.

The work in New York will be carried on in cooperation with the Department of Conservation of New York, and that in Pennsylvania in cooperation with their Department of Agriculture. Results recently obtained in large-scale experimental or demonstrational work with the application of insecticides from the air leads to the belief that larger areas can be treated by this means at a marked decrease in cost per acre and at a great saving in labor, all of which is reflected in this estimate. In addition to insecticides that will be furnished by the Department, substantial purchases are being made by the State Department of Agriculture in Pennsylvania and the State Department of Conservation in New York. The insecticides on hand or on order by cooperating agencies are not sufficient to cover all of the acreage that should be treated this season and hence the \$137,400 requested is essential in order to purchase additional supplies and to provide for the necessary labor and miscellaneous expenses during the spraying season.

This money will be expended by areas approximately as follows:

New England, New York (barrier zone).....	\$24, 534
New York, west of barrier zone.....	56, 369
Pennsylvania.....	56, 476
Total.....	137, 400

PURPOSE AND USE OF APPROPRIATION REQUESTED

The CHAIRMAN. Let us have a statement on this, Mr. Annand.

Mr. ANNAND. This item is to provide funds for gypsy-moth control to meet an emergency which has arisen due to the finding of a new infestation west of the barrier zone, and for the Pennsylvania infestation.

As you know, we have been maintaining for a number of years a barrier zone north and south along the Connecticut River to prevent the movement of the gypsy-moth infestation westward, because of the danger of this infestation to the rest of the country.

During the last few years we have had—since 1934, as a matter of fact—considerable amounts of emergency funds which have enabled us to maintain operations so that the infestation has been held in check. It has not, however, provided over-all operations, which have made it possible for us to keep a detailed check on the situation west of the barrier zone.

Last summer we conducted an extensive trapping operation to be sure we had no infestations getting by the barrier zone into the western area.

Those traps are the traps in which we use the attracting material that is produced by the female moth, to which the male moths fly. The traps were set up on something like 4,000,000 acres west of the barrier zone, with a trap for every 400 acres.

As a result of carrying on that operation, we discovered infestations west of the barrier zone along the Helderberg Mountains, which is a range of mountains that extends up toward Albany, N. Y. There was a discovery of infestations there and one or two minor infestations south of that, between the barrier zone and Pennsylvania. We made an intensive survey of the area to determine how extensive those infestations were. The survey, as a matter of fact, is still under way, but we have enough information on it to enable us to determine what the situation would be if it was not controlled this year.

The program, as it is now outlined in that area—I think I can show it better to you on this map—is as follows:

This is the barrier zone, this outlined in red, running north and south, in which we have maintained control operations, to block off the infestation in the area to the east. These spots are west of the barrier zone, discovered by this survey. This area down here is the Pennsylvania area in which we have maintained control operations for a number of years.

We propose this year, with the funds that are available, to cover these areas that are marked yellow by spraying them either from the ground, by autogyro or by plane.

Last summer we did some work which indicates that we can cover some of this area very satisfactorily by plane, which would materially cut down labor requirements. So that we proposed to cover a good share of it by airplane.

The CHAIRMAN. Is it possible that you will never be able to exterminate this pest; is this merely a matter of control?

Mr. ANNAND. It is a matter of control; yes.

The CHAIRMAN. You do not hope ever to exterminate it?

Mr. ANNAND. No, sir.

Mr. JOHNSON of Oklahoma. What is it?

Mr. ANNAND. It is a moth about the size of an ordinary cutworm moth; the males of which can fly and the females cannot fly; they can flutter a little bit but cannot fly, and so the insect is restricted in its movement. The moth lays eggs during the summer, in brown patches about the size of a quarter. They are laid on trees, stumps, and stones, and along in the spring when the weather warms up, these eggs hatch and the small larvae crawl up on the trees. There is a very large list of trees that are attacked; and when they get very abundant, they may completely defoliate trees. We have had as much as 700,000 acres of woodland in the New England States defoliated by gypsy-moth attack.

Mr. JOHNSON of Oklahoma. Is there anything you can do about it?

Mr. ANNAND. Yes, it can be controlled by spraying and dusting.

Mr. JOHNSON of Oklahoma. You cannot spray or dust 700,000 acres.

Mr. ANNAND. No; that is in this area east of the barrier, and there, the States are expending large sums of money every year on necessary control.

Massachusetts, for example, spends over \$770,000 a year of State funds for control.

Mr. TABER. Is there a regular appropriation for this?

Mr. ANNAND. Yes, sir.

Mr. TABER. How much?

Mr. ANNAND. The regular appropriation last year was \$382,000.

COOPERATION OF STATES IN CONTROL WORK

The CHAIRMAN. To what extent is New York cooperating in this program?

Mr. ANNAND. New York is cooperating quite extensively. They are spending a little bit better than \$120,000 a year on control operations in New York: \$123,063 in 1943.

Mr. TABER. Massachusetts, Connecticut, and Vermont are contributing also?

Mr. ANNAND. Yes, sir; they are all contributing.

The CHAIRMAN. How much of this \$382,000 will go to New York?

Mr. TABER. You have that in your justification.

Mr. ANNAND. Approximately \$50,000.

Mr. WIGGLESWORTH. Can you really hit these caterpillars from a plane?

Mr. ANNAND. Yes, sir; we can do a good job of it.

Mr. WIGGLESWORTH. That is pretty accurate shooting.

Mr. ANNAND. Well, we cover the whole area that is infested.

The CHAIRMAN. What time of the year is the critical period?

Mr. ANNAND. It runs 30 days during the month of June.

The CHAIRMAN. Can you expend all of this money in 1 month?

Mr. ANNAND. The whole operation is concentrated; it is a heavy operation during a short period while the worms are feeding. We have to get the money soon to be effective.

The CHAIRMAN. Thank you, Doctor.

FRIDAY, MAY 7, 1943.

DEPARTMENT OF THE INTERIOR

OFFICE OF FISHERY COORDINATION

STATEMENTS OF REGINALD H. FIEDLER, CHIEF, DIVISION OF FISHERY INDUSTRIES, AND JOHN R. GARDNER, LIAISON OFFICER, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SALARIES AND EXPENSES

The CHAIRMAN. We have several estimates here for the Department of the Interior in House Document 183. The first is for \$20,000 for the Office of Fishery Coordination:

For expenses necessary to enable the Office of Fishery Coordination to carry out its functions and activities under Executive Order No. 9204, dated July 21, 1942, and such functions and activities as have been delegated to it by the Secretary of the Interior pursuant to the authority delegated to him under Food Directive No. 2, issued by the Secretary of Agriculture on Feb. 8, 1943 (8 F. R. 1777), including personal services in the District of Columbia and elsewhere; the acceptance and utilization of voluntary and uncompensated services; the temporary employment of persons or organizations by contract or otherwise without regard to the civil service and classification laws or sec. 3709 of the Revised Statutes; actual transportation and other necessary expenses and not to exceed \$10 per diem in lieu of subsistence, of persons serving while away from their homes without other compensation from the United States in an advisory capacity to said Office; the purchase, maintenance, operation, repair, and hire of motor-propelled passenger-carrying vehicles; printing and binding; and the purchase in the District of Columbia and elsewhere of items otherwise properly chargeable to the appropriation "Contingent expenses, Department of the Interior," fiscal year 1943, \$20,000.

Tell us something about the need for this money at this time.

Mr. FIEDLER. Mr. Chairman, this fund is for the purpose of running a new office created by Executive order of the President last summer.

In the main, we plan to use existing personnel of the Fish and Wildlife Service, according to the Executive order, for carrying out the work of the Office of Fishery Coordination. In addition to that, there are certain other types of work which cannot be done under the regular appropriation of the Fish and Wildlife Service, and we are asking for funds for carrying on that type of work. The \$20,000 we are asking for is to carry the office for 1 month—the month of June.

The CHAIRMAN. That is, from the 1st of June to the 30th of June?

Mr. FIEDLER. Yes, sir.

The CHAIRMAN. How much did you have for this purpose?

Mr. FIEDLER. We have nothing right now, sir.

The CHAIRMAN. How much did you have for 1943?

Mr. FIEDLER. We never had any appropriation for this office. We have been using funds of the Fish and Wildlife Service.

The CHAIRMAN. No provision has been made as yet for 1944, of course?

Mr. FIEDLER. No, sir.

The CHAIRMAN. Was an estimate for this purpose included in the 1944 estimates?

Mr. GARDNER. Not in the regular bill, but it has been submitted to the Bureau of the Budget. That was made necessary to a considerable extent by reason of the fact that the duties and functions of the Office of Fishery Coordination were greatly increased as a result of the issuance of Food Directive No. 2 by the Secretary of Agriculture. Under that directive, the Secretary of Agriculture delegated to the Secretary of the Interior, who is the Coordinator of Fisheries, the responsibility by managing the fishery industry to assure the maximum production possible of fish for food and for meal and oil.

Mr. TABER. Why could not the Bureau of Fisheries do that?

Mr. GARDNER. The Fish and Wildlife Service, Congressman, now consists of what was formerly the Bureau of Fisheries and the Bureau of Biological Survey. The force of the Fishery Coordination Office is now made up of regular employees of the fishery divisions of the Fish and Wildlife Service.

Mr. TABER. Why could not they do the job without having any more help?

Mr. GARDNER. There are not enough of them available for the work, for one thing.

Mr. TABER. Well, there are a lot of things not being done that used to be done, and it would seem as if they would be able to absorb this operation.

Mr. FIEDLER. I might say the Deputy Coordinator of Fisheries is Director of the Fish and Wildlife Service. The three coordination officers under the deputy are three chiefs of fishery divisions of the Fish and Wildlife Service. The assistant deputy Coordinator is the Assistant Director of the Fish and Wildlife Service. In addition to that, we have about 40 Fish and Wildlife Service employees now engaged on this work, and their salary is being paid from regular Fish and Wildlife Service funds.

PURPOSE AND USE OF APPROPRIATION REQUESTED

Mr. TABER. How much personnel and how much money? Have you anything to show what that would be?

Mr. GARDNER. Yes, sir. The \$20,000 estimate makes provision for a total of \$7,000 for personnel, estimated, on 1 month's operation, and there will be 30 employees paid from this appropriation for that 1 month, 13 of them being departmental and 17 field.

Mr. TABER. What would you do with the other \$13,000?

Mr. GARDNER. That would cover the other obligations.

Mr. TABER. What would they be?

Mr. GARDNER. Travel expenses, \$5,000; transportation, \$100; communication services, \$2,000; rents and utility services, \$1,000.

Mr. WIGGLESWORTH. What is that for?

Mr. GARDNER. We are going to have to establish 17 field offices to administer this program. This program goes far and beyond the scope of the normal functions of the Fish and Wildlife Service.

The CHAIRMAN. Is there anything further?

Mr. GARDNER. I might say this, Mr. Chairman: This language is much broader in its scope than is the language of appropriations of the Fish and Wildlife Service and is necessary to make possible the

carrying out of this program, which is very important from the wartime food production standpoint.

Mr. RABAUT. How much additional food are you really going to produce with this activity, do you figure?

Mr. GARDNER. We hope to increase production by upward of 1,000,000,000 pounds or more. Under this food directive, the Coordinator's office is actually going to manage the fishery industry to make sure that the maximum use is made of existing critical materials, the limited number of vessels, manpower, and processing machinery now available.

Mr. TABER. How many automobiles are you going to buy with this money?

Mr. GARDNER. Three.

Mr. TABER. With this \$20,000?

Mr. GARDNER. Yes, sir. That item is taken care of in the item for equipment. There is \$2,900 for equipment. That includes the purchase of three automobiles, plus the furniture and other equipment necessary for these 17 field offices.

The additional personnel here merely fills in and rounds out the organization which is comprised primarily of regularly employed Fish and Wildlife Service personnel.

Mr. WIGGLESWORTH. How much printing and binding have you?

Mr. GARDNER. \$500 for printing and binding, \$1,000 for other contractual services. That item is primarily for contract stenographic reporting services, because of the necessity for holding extensive hearings in connection with any regulation of the various important fisheries, such as the pilchard fishery on the west coast and salmon in Alaska.

Mr. TABER. What on earth can they do to help fish production?

Mr. FIEDLER. May I explain one thing we are doing?

Mr. TABER. Yes.

Mr. FIEDLER. As you know, in Alaska there are about 120 salmon canneries. They require critical materials to operate; they require manpower; they require traps to supply the canneries with fish. It was realized early last fall that all of the canneries could not operate because of limited supplies, materials, and manpower. So that we developed what we call a concentration order, concentrating the canning of salmon in 74 canneries. In that way, we are able to secure the manpower to operate the canneries, the boats to catch the fish, and the equipment for traps, etc.

JUSTIFICATION OF ESTIMATE

Mr. GARDNER. I would like to leave with you a general over-all statement that covers the program; also a statement that gives a breakdown of the expenditures.

(The matter above referred to is as follows:)

The President, by Executive Order No. 9204, dated July 21, 1942 (7 F. R. 5657), designated the Secretary of the Interior as Fishery Coordinator and authorized him to designate an officer of the Department of the Interior as Deputy Fish Coordinator. The order provided that the Secretary of the Interior should designate such part or parts of the Fish and Wildlife Service of the Department of the Interior as he might determine desirable as the Office of Fishery Coordina-

tion. The order was issued for the purpose of developing and assuring sustained production of aquatic food supplies essential to the conduct of the war and for the further purpose of coordinating the policies, plans, and programs relating to the war that affect the fishery industries and the aquatic food supplies of the United States, its Territories, and possessions. The functions and activities of the Office of Fishery Coordination are set forth in the text of the order.

Under the provisions of Food Directive No. 2, issued by the Secretary of Agriculture on February 8, 1943 (S F. R. 1777), the Secretary of the Interior was delegated certain authority with respect to the fishery industry of the United States and its Territories for the purpose of maintaining maximum production of fishery products as a part of the national wartime food program. This involves the supervision of fish-producing and processing operations to assure wise use of critical materials, fishing craft, labor, shipping space, etc. The fishery industry of the United States, including Alaska, is of tremendous importance from a food production standpoint. Salmon, as well as other fishery products, are in great demand for military, lend-lease, and civilian use.

The major duties and responsibilities of the Office of Fishery Coordination involve all aspects of a program of production and processing of fishery commodities of as great a magnitude as possible to supply the fishery food and byproduct requirements specified by the Food Distribution Administration of the Department of Agriculture to be necessary for the use of Army, Navy, Office of Lend-Lease Administration, Office of Civilian Supply, and other Federal agencies, including the requirements of the civilian populations of the United States, its Territories, and possessions. The attainment of these objectives necessitates the following types of functions and activities:

Consolidation, concentration, and conversion of fishing and fish-processing industries in order to obtain maximum efficiency and output either by voluntary projects developed cooperatively or by compliance with orders issued by the Fishery Coordinator. Because of shortages of shipping space, fishing and transport vessels, and manpower, a concentration program has been ordered for the Alaska salmon industry, based upon recommendations of an industry committee (Department of the Interior Order No. 1787; S F. R. 2892). Management of the pilchard industry was undertaken during the past fishing season by an order of the War Production Board and since this matter is now under the jurisdiction of the Fishery Coordinator, plans are being developed for a new industry allocation order to insure a maximum output of canned fish, meal, and oil by preventing undersupply and oversupply of canneries and processing plants and waste of fish. Similar programs may be necessary for other branches of the fishing industry; e. g., the menhaden industry of the Atlantic coast, the shrimp industry of the Gulf, and the sardine industry of Maine. Conversion of plants from the processing of products not vital to the war program to enable them to prepare other food products more urgently needed will need expert guidance. All projects of this nature require intensive biological, technological, economic, and legal study prior to institution, and skilled personnel must be stationed in the field at strategic operating points to administer the program and adjust difficulties of an unusual and unanticipated nature.

Allocation and priority approval of applications for equipment and critical nonfood materials is an initial responsibility of the Office of Fishery Coordination. Assistance and advice must be given directly to the members of industry in the field, negotiations with local offices of the War Production Board are necessary, and applications after transmittal to Washington must be reviewed, appraised, and approved or denied prior to final handling and action by the Food Distribution Administration of the Department of Agriculture and the War Production Board. Allocations of equipment and critical materials depend upon accurate data compiled by the Office in the field and appropriately evaluated and consolidated in Washington before transmittal to the War Production Board with recommendations. Allotments of critical materials under the controlled materials plan of the War Production Board must be budgeted and allocated by the Office for the fishing industry.

Regulations affecting the movement and operation of fishing vessels, or causing closure or restriction of certain fishing areas must be issued by the Army, Navy, or Coast Guard from time to time in the interest of national security. Local negotiations with officials of the regulating agency are necessary in order that

the regulations can be designed or modified so as to cause a minimum of interference with fishery production. State conservation or other regulations affecting the fisheries are subject to review and negotiation in the interest of their suspension or modification to permit increases in fish production; such suspensions or modifications being recommended only after thorough study to insure that the desired objectives can be attained without jeopardizing conservation aims, or causing depletion or damage to the aquatic resources.

Vessel and manpower problems are subjects of study and negotiations with appropriate Federal agencies and representatives, both in the field and in Washington, to obtain adequate shipping space; to bring about the return of chartered fishing craft as rapidly as they can be released by the military; to facilitate construction of new fishing vessels; and to obtain men for the fishing and fish-processing industries through deferment, recruitment, or development of training programs.

Development of new products and processes is undertaken to provide additional supplies of fresh, frozen, and preserved fish products to supplement staple varieties in short supply such as canned salmon, canned tuna, canned sardines, and salt codfish. This requires the location of natural supplies of new and underutilized species; development of proper safeguards to assure a continuing supply and avoid depletion; research to develop appropriate catching and processing methods; assistance in the construction, design, and conversion of establishments, equipment, and other facilities; and development of appropriate distribution and marketing techniques.

Statistical data in addition to that obtained customarily must be secured in order to supply indices of abundance and production records for the guidance of the Food Distribution Administration of the Department of Agriculture, the War Production Board, and the Office of Price Administration. Such current data and critical analyses form the basis of recommendations regarding rationing, purchase for Government or other requirements, and price regulations, as well as for the allocation of domestic transportation facilities if such action becomes necessary.

Cooperative programs with the Soil Conservation Service of the Department of Agriculture and with State conservation agencies in a farm-pond program provide local fish supplies in interior regions of the country; cooperation with State conservation agencies and local authorities stimulates the utilization of local supplies of rough fishes such as carp, suckers, etc., which ordinarily are little consumed for food; and cooperation with sportsmen's organizations and anglers prevents waste of surplus catches, causing diversion into local markets or other channels to assist in increasing local food supplies.

The Office of Fishery Coordination as it at present exists is made up of personnel of the Fish and Wildlife Service who have been detailed to the Office. Dr. Ira N. Gabrielson and Mr. Charles E. Jackson, Director and Assistant Director, respectively, of the Fish and Wildlife Service, have been designated as Deputy Coordinator and Assistant Deputy Coordinator, respectively, of the Office of Fishery Coordination. Certain field employees of the Service have been detailed to serve as area coordinators and local representatives at strategic points in the United States where the fisheries are commercially important. The United States has been divided into 11 specific areas for purposes of administration of the program, with an experienced employee in immediate charge of each area. Some of these areas are quite large and will require the detail of employees at important fishing ports as well as the employment of additional personnel. To carry out the program, additional personnel for the Office of Fishery Coordination to supplement that which can be detailed from the Fish and Wildlife Service is required and an appropriation to finance the program is absolutely essential. As yet no funds have been appropriated for the Office, the expenses so far having been charged to Fish and Wildlife Service appropriations. However, an estimate to finance the program for the balance of the current fiscal year has been submitted to the Bureau of the Budget.

OFFICE OF FISHERY COORDINATION

The estimate in the amount of \$20,000 includes \$3,013 for personal services in the District of Columbia; \$3,987 for personal services in the field; and \$13,000 for other obligations. The estimate is based on the estimated cost of operation for the month of June 1943.

Personal services

DEPARTMENTAL

Title	Number of positions	Grade	Annual salary	Salary for 1 month
Professional service:				
Principal attorney.....	1	6	\$5,600	\$467
Materials specialist.....	1	5	4,600	383
Clerical, administrative, and fiscal service:				
Public relations officer.....	1	13	5,600	467
Executive secretary to Industrial Committee.....	1	11	3,800	317
Senior administrative assistant.....	1	9	3,200	267
Senior clerk-stenographer.....	1	5	2,000	167
Assistant clerk-stenographer.....	7	3	1,620	945
Total departmental.....	13			3,013

PERSONAL SERVICES, FIELD

Clerical, administrative, and fiscal service:				
Fishery coordination agent.....	4	7	\$2,600	\$867
Statistical clerk.....	2	4	1,800	300
Assistant clerk-stenographer.....	8	3	1,620	1,080
Junior clerk-stenographer.....	3	2	1,440	360
Temporary employees, field.....				1,350
Total field.....	17			3,987
Total departmental and field.....				7,000

Other obligations

Travel expenses.....	\$5,000
Transportation of things.....	100
Communication services.....	2,000
Rents and utility services.....	1,000
Printing and binding.....	500
Other contractual services.....	1,000
Supplies and materials.....	500
Equipment.....	2,900
Total.....	13,000

FRIDAY, MAY 7, 1943.

BUREAU OF RECLAMATION

STATEMENT OF HARRY W. BASHORE, ACTING COMMISSIONER,
BUREAU OF RECLAMATION

VALE PROJECT, OREGON

REPAIR OF FLOOD DAMAGE TO CANAL AND SPILLWAY GATES

The CHAIRMAN. Mr. Bashore, we have a deficiency estimate before us in House Document No. 183 of \$4,000 for the Vale project, Oregon:

Vale project, Oregon: For an additional amount for operation and maintenance, from the reclamation fund, special fund, fiscal year 1943 (56 Stat. 533), \$4,000.

I see in your justifications you state it is due to the unusual flood which damaged your main canal up there and the spillway gates.

Give us a little statement on that, as to the character of the damage, the repair necessary, and the cost of it.

Mr. BASHORE. The Agency Valley Reservoir is the storage feature of the Vale project. During the spring of 1942, the reservoir filled and the pressure was put against the radial gates. During that operation, the anchorage of the radial gates sheared off and allowed the gates to swing out of position. I have a photograph here if anybody cares to look at it.

The CHAIRMAN. You have repaired the gates, have you not; you have made the repairs?

Mr. BASHORE. The repairs are nearly completed; yes, sir.

The CHAIRMAN. And you used funds from what source?

Mr. BASHORE. That project is operated on the basis of funds advanced by the water users, but the funds were not sufficient at that time, so Congress gave us an appropriation of \$17,000 in the 1942 Appropriation Act.

The CHAIRMAN. Has it been necessary to use any of your maintenance funds?

Mr. BASHORE. Yes; we used maintenance funds as far as they would go.

The CHAIRMAN. And you have used \$4,000 out of the maintenance funds, and this is merely to replace your maintenance fund; is it not?

Mr. BASHORE. The \$17,000 appropriated in 1943 together with the \$4,000 now requested is to be repaid to the Government in five annual installments. That \$21,000 is required for all operations in 1942 in addition to the maintenance fund which was put up by the water users themselves. Three thousand five hundred dollars of that \$17,000 has already been paid and possibly another \$3,500. I am not prepared to say as to that amount today, but it was due May 1.

KENDRICK PROJECT, WYOMING

EXTENSION, ETC., OF TRANSMISSION LINES

The CHAIRMAN. Now, we have a proposal to insert a provision extending your limitation on the Kendrick project:

Kendrick project, Wyoming: The limitation of \$100,000 upon the amount that may be expended from power revenues for the operation and maintenance of the power system, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$110,000 (56 Stat. 533).

What is the need for that change?

Mr. BASHORE. The need for that change is that on account of war activities in that project area we have had to make extensions and changes in our transmission-line system, and that constantly introduces extra expense in our operation and maintenance that could not have been foreseen at the time the estimate was submitted.

The CHAIRMAN. You have the money?

Mr. BASHORE. We want authority to use money out of our revenues. It is simply an authorization for us to use money we have collected that goes into the Treasury.

The CHAIRMAN. Will the expenditure of this money increase the revenues?

Mr. BASHORE. Yes; I think it will increase the revenues.

Mr. WIGGLESWORTH. What happens to the revenues?

Mr. BASHORE. The revenues go into the Treasury, and Congress must authorize their use, in case we want to use some of them.

BOULDER DAM PROJECT

INCREASE IN LIMITATION ON EXPENDITURES FROM POWER AND OTHER REVENUES

The CHAIRMAN. You have a similar provision as to the Colorado River Dam fund:

Boulder Canyon project: The limitation of \$750,000 upon the amount which may be expended from power and other revenues for operation, maintenance, and replacements, including other specific purposes contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$1,170,000 (56 Stat. 535).

What is the need for that extension?

Mr. BASHORE. That is due to the destructive action of the water in the Arizona spillway of the Boulder Dam.

The CHAIRMAN. Was that something that was not foreseen or natural wear and tear?

Mr. JOHNSON of Oklahoma. They had a flood down there, did they not?

Mr. BASHORE. There was a flood, and it was something—of course, that we anticipated. That is what the spillways are built for, to carry away the floods; but these spillways are without precedent, so far as their size and design are concerned and the volume of water that they have to carry. During the season's operation there was fifteen to twenty thousand cubic feet per second discharging into the Arizona spillway and at the bottom of the tunnel it gouged out a hole there about 135 feet long and about 35 feet deep. Of course, we had to make the repairs.

Mr. JOHNSON of Oklahoma. Has that all been repaired?

Mr. BASHORE. It is largely completed.

Mr. RABAUT. Was that caused by faulty construction?

Mr. BASHORE. It was not caused by faulty construction, although the matter of the design of a spillway like that was without precedent. I do not know of any faulty construction. It is just something that happened.

The CHAIRMAN. To some extent, it was experimental?

Mr. BASHORE. Yes, sir. The result of that is extremely valuable to us from a scientific standpoint.

Mr. RABAUT. What precautions have you taken to prevent a recurrence?

Mr. BASHORE. Well, we have used a special method of repairing it. We have used the prepack method, which means the placing of the aggregate in there in a dry condition, compacting it, and filling the interstices with grout.

Mr. JOHNSON of Oklahoma. Are you putting them back just as they are or making them larger?

Mr. BASHORE. We are putting them back just as they are, except that we are using a different method—the most efficient method we know of today.

Mr. TABER. This is the bottom of the thing, is it not, that it washed out?

Mr. BASHORE. Yes, sir.

Mr. TABER. Kind of scooped out? It looks like it was sand instead of cement, and was not in good shape. That is the only way such a thing as that would wash out the bottom, is it not?

Mr. BASHORE. No; I think not, Mr. Taber. That concrete was good concrete, but you have a terrific impact of water there and any slight irregularity will produce dynamic forces which are very difficult to predict.

Mr. TABER. On the bottom of your spillway the pressure would not disturb anything unless there was a leak and it got down and under the thing. That is the usual experience with that sort of thing.

Mr. BASHORE. This was not due to water pressure; it was due to the dynamic effect of the water, due to impact, pounding, and the creation of a vacuum.

Mr. TABER. There would not be any pounding on the bottom.

Mr. BASHORE. Oh, yes. The water shoots down and changes its direction. That is the way this happened.

Mr. TABER. It would be on the side, if it changed direction, where your pressure would come.

Mr. BASHORE. The water goes down and then enters a 50-foot tunnel.

Mr. RABAUT. Is it where it enters, that it broke through?

Mr. BASHORE. Yes, sir; just after it enters.

Mr. RABAUT. There was a swirl there?

Mr. BASHORE. Yes; it is a swirl.

The CHAIRMAN. You are asking for an extension of the limitation, in the amount of \$420,000 from \$750,000 up to \$1,170,000. Does that \$420,000 represent the cost of this repair?

Mr. BASHORE. Yes, sir; that is the necessary cost.

The CHAIRMAN. In other words, the repairs are already being made and you merely want ratification, is that it?

Mr. BASHORE. That is correct; except I should like to say this in fairness to the committee, that our latest information is to the effect that you can cut that estimate by \$120,000, and I think we can get along.

The CHAIRMAN. We can make it \$1,000,000 and you can get along?

Mr. BASHORE. We will settle for \$1,000,000; yes, sir.

The CHAIRMAN. Thank you, gentlemen.

FRIDAY, MAY 7, 1943.

GOVERNMENT OF THE VIRGIN ISLANDS

STATEMENTS OF BENJAMIN W. THORON, DIRECTOR, AND KENFIELD BAILEY, ADMINISTRATIVE OFFICER, DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

SALARIES AND EXPENSES

The CHAIRMAN. We have before us an estimate in House Document No. 183 for the Government of the Virgin Islands, as follows:

Salaries and expenses, Government of the Virgin Islands: For an additional amount for salaries and expenses, fiscal year 1943, including the objects

specified for the appropriation for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 560), \$7,000.

You had \$147,980 for that purpose in the annual supply bill. How was this deficiency brought about?

Mr. THORON. This deficiency, sir, is to take care of the differential of 25 percent for services of employees under the field classification schedule, serving in the Territories, in accordance with the Civil Service Commission decision and agreement of the various departments. It was not anticipated at the time the appropriation estimates were put in last year.

The CHAIRMAN. It could not be foreseen?

Mr. THORON. No, sir.

The CHAIRMAN. When would it become effective?

Mr. THORON. February 1, 1943.

SALARIES AND EXPENSES, AGRICULTURAL EXPERIMENT STATION AND VOCATIONAL SCHOOL

The CHAIRMAN. There is also an item as follows:

Salaries and expenses, agricultural experiment station and vocational school, Virgin Islands: For an additional amount for salaries and expenses, fiscal year 1943, including the objects specified for the appropriation for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 560), \$2,100.

Mr. THORON. That is for the same reason, sir.

The CHAIRMAN. How many employees are involved in each of these items?

Mr. THORON. A total of 24 covering both items.

Mr. TABER. That would be about \$400 apiece, would it not?

Mr. THORON. Yes. The 25 percent monthly differential averages about \$75 a month for each employee.

Mr. TABER. How much money did you get for this salary and expense item, how much has been expended down to the 1st of May?

Mr. BAILEY. \$147,980 for salaries and expenses for the central administration. I do not have the actual expenditures on that, because we have not received the report for the end of April yet.

Mr. TABER. How do you know whether there is going to be a deficiency, then?

Mr. BAILEY. Because from the reports that we have had they have indicated that they are running very close to that amount.

Mr. TABER. It is all guesswork, then; that is about all it is, is it not?

Mr. THORON. It is based on the actual obligations and expenditures up to the time this additional estimate was submitted and the assumption that those employees would continue in the service for the balance of the fiscal year.

The CHAIRMAN. Is there any overtime pay in this?

Mr. THORON. This does not include overtime pay. This is the 25 percent differential above the classification schedules for employees in the Territories, outside continental United States.

The CHAIRMAN. Where do you get funds with which to pay this overtime, or does overtime pay apply to these employees?

Mr. BAILEY. That will be presented by the Bureau of the Budget; I do not know in what form, but they are going to submit that figure.

The CHAIRMAN. They are entitled to overtime under the law?

Mr. BAILEY. Yes, sir; all of the employees down there are entitled to overtime, but only the field classification employees are entitled to this differential.

Mr. RABAUT. Are they going to receive overtime pay and the 25 percent differential, too?

Mr. BAILEY. Yes.

Mr. RABAUT. They are getting quite a boost, then, are they not?

Mr. THORON. What everybody is getting outside continental United States.

Mr. RABAUT. This is limited just to your particular activity?

Mr. THORON. No, sir. We were the last people to pay it, in the Virgin Islands.

Mr. RABAUT. Is it justified by the increased cost of living?

Mr. THORON. I believe it is. As a matter of fact, we have requested Civil Service Commission to make, and they are now engaged in making, a study of the salaries being paid in the Virgin Islands by the various agencies, but in the meantime this—the overtime is in accordance with the statute and this differential is in accordance with a civil-service ruling.

Mr. RABAUT. Will you put a copy of that 25-percent differential ruling in the record?

Mr. THORON. Yes, sir.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 16, 1943.

Departmental Circular No. 394, Supplement No. 2.

Subject: Salary differentials for positions outside the United States and the District of Columbia which are compensated under the provisions of the Classification Act of 1923, as amended. Policy agreement.

To: Heads of Departments and Independent Establishments.

The revised policy agreement (printed on the reverse side of this sheet) on the above subject has been drawn up on the basis of recommendations and suggestions submitted to the Commission in response to Departmental Circular No. 394, Supplement No. 1, of December 21, 1942. It reflects the expressed views of the principal Federal employing agencies and a large majority of agencies having any employees in the Territories and insular possessions compensated under the provisions of the Classification Act of 1923, as amended. The Commission urges the adoption of this policy in order to attain the objectives stated in the agreement.

Those departments and establishments which are joining in this cooperative move to establish and follow a Government-wide policy in this important matter should notify the Civil Service Commission as soon as possible of their approval and the date that any necessary pay-roll adjustments will be made on this basis. For all practical purposes such agencies should consider the stated policy as now being in effect.

By direction of the Commission:

Very respectfully,

L. A. MOYER,
Executive Director and Chief Examiner.

POLICY AGREEMENT

on the adoption and application of a uniform plan for paying salary differentials to employees occupying positions subject to the Classification Act of 1923, as amended, which are located in the Territories, insular possessions, and Atlantic bases of the United States.

I. OBJECTIVES OF AGREEMENT

1. To bring about a condition whereby employees of all Federal agencies located in the same geographic area of the Territories, insular possessions, and Atlantic bases of the United States, who perform work of the same class (which is subject to the Classification Act) under essentially the same conditions, shall receive equal and uniform treatment in the matter of salary differentials.

II. THE AGREEMENT

1. The scope of this agreement is limited to positions located in the Territories and insular possessions of the United States, and in the Atlantic bases of British Guiana, Trinidad, Antigua, St. Lucia, Jamaica, Bermuda, the Bahamas, and Newfoundland.

2. This agreement applies exclusively to classes of positions which are subject to the Classification Act of 1923, as amended. It covers all such classes.

3. This agreement applies to all employees occupying positions subject to the Classification Act of 1923, as amended.

4. This agreement does not apply to native employees compensated at local wage rates based on native standards of living.

5. Hereafter a percentage salary differential will be added to the base pay of Federal employees in the geographic areas set forth herein. No other form, amount, or percentage of differential will be used except as provided in this agreement.

6. A uniform salary differential of 25 percent of the employee's base salary is hereby adopted and will be applied under the conditions and in the manner outlined herein.

The term "base salary" as used herein is defined as the salary (including within-grade promotions) attaching generally to an employee's position and duty, and after the elimination of any existing salary classification upgradings and pay increases resulting therefrom, or salary increases higher or faster than normal for the basic grade, which upgradings or increases were previously effected for the sole purpose of paying a regional salary differential.

7. Modifications to and exceptions from this agreement must be approved by all signatory agencies before they are put into effect. Exceptions may cover (a) percentage of differential allowed, (b) classes of positions covered, and (c) groups of employees covered.

8. The terms of this agreement will be effective immediately and will be put into operation by all departments and establishments which are parties to the agreement on or before March 15, 1943.

THE SECRETARY OF THE INTERIOR,

Washington, January 20, 1943.

Regulations governing the allowance of salary differentials to employees of the Department of the Interior occupying positions outside of the United States and the District of Columbia:

1. The following regulations are prescribed pursuant to a policy agreement formulated by the Civil Service Commission on the adoption and application of a uniform plan for paying salary differentials to employees occupying positions subject to the Classification Act of 1923, as amended, which are located in the Territories, insular possessions, and Atlantic bases of the United States. The objective of the agreement is to bring about a condition whereby employees of all Federal agencies located in the same geographic area of the above-named Territories, etc., who perform work of the same class (which is subject to the Classification Act) under essentially the same conditions, shall receive equal and uniform treatment in the matter of salary differentials.

2. The regulations are limited to positions located in the Territories and insular possessions of the United States, and in the Atlantic bases of British Guiana, Trinidad, Antigua, St. Lucia, Jamaica, Bermuda, the Bahamas, and Newfoundland, and apply conclusively to all classes of positions which are subject to the Classification Act of 1923, as amended. Accordingly, positions occupied by native employees compensated at local wage rates based on native standards of living are not included among positions to which the regulations apply.

3. A percentage salary differential will be added to the base pay of eligible employees, and no other form, amount, or percentage of differential will be used.

4. The salary differential will be 25 percent of the employee's base salary.

5. The term "base salary" as used herein is defined as the salary (including within-grade promotions) attaching generally to an employee's position and duty, and after the elimination of any existing salary classification upgradings and pay increases resulting therefrom, or salary increases higher or faster than normal for the basic grade, which upgradings or increases were previously effected for the sole purpose of paying a regional salary differential.

6. The term "basic grade" as used herein is defined as the grade which would apply if the position were located in the States of the United States or the District of Columbia.

7. Effective with pay-roll changes made pursuant to these regulations the higher grade allocations heretofore approved for the purpose of allowing salary differentials in Alaska will no longer apply and will be superseded by appropriate basic grade allocations.

8. Salary changes computed in accordance with instructions contained herein are authorized to be made effective February 1, 1943.

9. Field offices should be instructed to effect all differential changes on fanfold Form 1-206, regardless of any salary limitations contained in fanfold regulations, and forward the usual number of copies to the Department through regular channels.

10. (a) Immediately below the introductory sentence on Form 1-206 the nature of the action will be shown as "Change in status."

(b) Under the word "From" will be given the employee's present position, title, grade, salary, etc.

(c) Under the word "To" will be given the position-title appropriate for the basic grade, the basic grade, the exact salary computed in accordance with instructions contained herein, etc.

(d) The word "Differential" should be inserted after the words "Other change" in the margin of the fanfold form.

(e) The following statement should be given after the word "Justification": "Differential authorized by regulations of January 20, 1943."

11. New appointments in established positions may be made by field officers at basic grade entrance rates below \$2,000 per annum, to which will be added the 25-percent differential authorized herein. Higher basic grade entrance rates require prior approval of the Department for new appointments.

12. It has been ruled that the differential is a part of the aggregate compensation of an employee within the meaning of Joint Resolution 170, approved December 22, 1942, and the ceiling rates of \$2,900 and \$5,000 per annum fixed in that joint resolution must be regarded as including any salary differential to which an employee is entitled.

13. Bureaus and offices will make use of available funds for the purpose of making the salary adjustments authorized herein, absorbing so far as possible the additional cost from lapsed salaries, leave without pay, etc. If it should be found later in the year that funds are insufficient deficiency estimates may be submitted.

14. These regulations supersede those dated March 13, 1942, relating to salary differentials for employees in Alaska.

ABE FORTAS,

Acting Secretary of the Interior.

Mr. RABAUT. You said that this was \$75 per month per person?

Mr. THORON. It averages about that.

Mr. RABAUT. Then the average pay must be about \$3,600 a year.

Mr. THORON. That is the peculiar thing about it in the Virgin Islands. The upper administrative employees are in the field classification schedule and this differential is applicable to them. The lower paid clerical employees, who constitute about two-thirds of the total administrative personnel, are paid on what is designated as the local schedule, and under the rulings that we have so far, they are not entitled to this differential.

Mr. RABAUT. The native employees, in other words, are not entitled to the differential, but the employees who come from continental United States, who go to work outside the continental limits of the United States, are entitled to this?

Mr. THORON. That is not the way it works out. That may have been the theory, but many of these administrative employees are actually natives who have in the course of time been promoted to the administrative positions.

Mr. RABAUT. Was I right in my assumption that the average pay would be about \$3,600?

Mr. THORON. Of this group, it is: That includes the Governor, the Government Secretary, the Commissioner of Finance, the Commissioner of Health, and a series of lesser administrative officials.

Mr. RABAUT. That is why the average is \$75 per month or about \$900 a year?

Mr. THORON. Yes, sir.

Mr. JOHNSON of Oklahoma. Are you sure that this includes the Governor?

Mr. BAILEY. We still have not been able to determine for sure whether he is entitled to it.

Mr. JOHNSON of Oklahoma. He was before my committee recently and told us that it was his understanding that he was not entitled to it, if I recall correctly.

Mr. THORON. I think that has not been determined yet. We have asked a ruling on it and we are in doubt, but we have included it in the computation.

DEFRAYING DEFICITS IN TREASURIES OF MUNICIPAL GOVERNMENTS

The CHAIRMAN. You have another item, in the amount of \$45,000, as follows:

Defraying deficits in treasuries of municipal governments, Virgin Islands: For an additional amount, fiscal year 1943, for defraying the deficit in the treasury of the municipal Government of St. Croix because of the excessive current expenses over current revenues for the fiscal year 1943 (56 Stat. 560), \$45,000.

This has special reference to the municipal government of St. Croix?

Mr. THORON. Yes, sir.

The CHAIRMAN. You say here that the deficit is due to two things, an increase in the basic wage for unskilled labor at St. Croix and a decrease in anticipated revenues for the year.

We can understand the increase in the basic wage for unskilled labor, but what about the decrease in the revenues for the year?

Mr. THORON. I have here a list of the revenues as estimated in June 1942 and as estimated in February 1943, based on the collections up to that time.

The principal revenue decreases are general along the line; real property tax, a decrease of \$3,000; income tax, \$88,500; import duties, \$1,000; wharfage, \$1,300; internal revenue, \$5,000; and a number of other smaller items.

It is due to a general failure of the municipal revenues to meet the estimates, largely due to war conditions and a falling off of ordinary business activity.

The CHAIRMAN. What was your total loss in tax income?

Mr. THORON. The estimated decrease is \$51,000 in total available funds.

The CHAIRMAN. That is, what had you estimated the revenues were going to be at the time this estimate was made—upon what estimate of revenues was this estimate before us based?

Mr. THORON. The original estimate was for approximately \$170,000 for the fiscal year as against an actual of the previous year of \$196,000, with expenditures of \$308,000. In making the appropriation for the current year, the figure used was the actual revenues of the year before rather than the estimate that these people from St. Croix made of what their actual revenues would be this year. So that there was, you might say, an initial discrepancy there.

Mr. TABER. In other words, the revenues drop off every year.

Mr. THORON. The revenue dropped off this year.

Mr. TABER. They drop off every year, do they not?

Mr. THORON. The revenues for the past several years have dropped off.

Mr. BAILEY. They have for St. Croix, yes.

Mr. THORON. I understand that war conditions have led to a further decline of revenues.

Mr. BAILEY. This is for the island of St. Croix.

PUERTO RICAN HURRICANE RELIEF

The CHAIRMAN. We have one other item, a draft of a proposed provision, as follows:

The limitation of \$19,950 upon the amount that may be expended for administrative expenses, Puerto Rican hurricane relief, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$22,350.

Give us a statement on that.

Mr. THORON. That is based on the differential, plus \$500 for some office furniture which we have to buy, because the Post Office Department, from whom the hurricane relief section had been borrowing furniture ever since it has been down there, has demanded the return of this furniture because they need it.

Mr. TABER. How long has this Hurricane Relief Commission been operating?

Mr. THORON. I think in 1928 it made its first appearance, after the hurricane of that year.

Mr. TABER. And it has been getting bigger and better every year?

Mr. THORON. No, sir; it is in a liquidating stage.

Mr. TABER. It has been 15 years and it is not liquidated.

Mr. THORON. These loans were made in 1928 and 1929 and they are gradually being liquidated.

Mr. TABER. How much were the loans?

Mr. THORON. They were originally about \$5,000,000 and they are collecting around \$150,000 a year now, I believe.

The CHAIRMAN. Thank you, gentlemen.

SATURDAY, MAY 8, 1943.

DEPARTMENT OF STATE

STATEMENTS OF G. HOWLAND SHAW, ASSISTANT SECRETARY OF
STATE; E. WILDER SPAULDING, CHIEF, DIVISION OF RESEARCH
AND PUBLICATION

PRINTING AND BINDING

The CHAIRMAN. We have before us an estimate in House Document No. 187 for the Department of State, as follows:

Printing and binding: For an additional amount for the appropriation, "Printing and binding, Department of State," fiscal year 1943, \$20,000.

Your appropriation for 1943 was \$228,600, and I note that in granting the amount in the annual bill, we cut the estimate \$31,400.

Have you made every effort, Mr. Shaw, to live within the \$228,600 that we gave you?

Mr. SHAW. Yes, Mr. Chairman, we have. Up to April 15 we had obligated \$222,348. We have a balance of \$6,252, and we estimate that we need \$20,000 additional to get through the year.

The CHAIRMAN. Your unobligated balance is how much?

Mr. SHAW. \$6,252.

The CHAIRMAN. As of what date?

Mr. SHAW. As of April 15.

The CHAIRMAN. And you estimate it will require how much for May and June?

Mr. SHAW. \$26,252 from April 15 to June 30.

The CHAIRMAN. What increase has there been in the volume of printing that was not anticipated, which has brought about this deficiency?

Mr. SHAW. It has been largely a matter of passports for seamen. We estimated that there would be between 50,000 and 75,000 issued, whereas up to the present time 104,764 have been issued, of which 92,370 were issued during the current fiscal year. So our estimate of what that was going to be was well off. That accounts for \$22,480.

The CHAIRMAN. What is the general character of the printing that you have to do?

Mr. SHAW. That was the chief item, and the other two items are the proclaimed list of blocked nationals, and printed supplies.

The CHAIRMAN. Out of your entire annual appropriation, what character of printing absorbs most of your funds?

Mr. SHAW. I think Dr. Spaulding can answer that better than I can.

Mr. SPAULDING. These, Mr. Chairman, are the big items in the appropriation: Printing of informational items is relatively small by comparison. These are the supply type of things where economies are not generally possible. We have made the economies, but we find we cannot go any further in the reduction of our needs.

The CHAIRMAN. If this \$20,000 request is granted, Mr. Shaw, will it take care of all of your needs for 1943, up to the end of the fiscal

year, or will you have some requisitions still coming due in 1944?

Mr. SHAW. I think we can take care of everything up to the end of the fiscal year.

The CHAIRMAN. This will bring you out clear?

Mr. SHAW. Yes.

The CHAIRMAN. What estimates have been made for the fiscal year 1944?

Mr. SPAULDING. We asked for \$288,000 for 1944.

Mr. TABER. How much did the committee allow you?

Mr. SPAULDING. The House committee gave us \$248,000 which is, incidentally, about what the present year's appropriation plus this \$20,000 would come to, within a few hundred dollars.

The CHAIRMAN. In view of your experience up to this time, do you think you will be able to live within your 1944 appropriation?

Mr. SPAULDING. Within the 1944 appropriation?

The CHAIRMAN. Yes.

Mr. SPAULDING. I think it is very doubtful, Mr. Chairman. We constantly find that there are items which have to be deferred, or have to be done on emergency funds. Mr. Hull recently prepared the so-called White Book entitled "Peace and War." There was no money in this appropriation to print that White Book. It was so essential that we turned to an emergency fund for it. There are other things of that kind for which we have no money in this appropriation. So I think that just as this year's appropriation has proved to be inadequate, probably next year's appropriation will also be inadequate.

The CHAIRMAN. However, you are endeavoring to plan your schedule so as to live within your appropriation for 1944?

Mr. SPAULDING. Yes, sir.

The CHAIRMAN. And you are cutting down expenses so that unless some unforeseen contingency occurs, you will be able to live within your 1944 appropriation?

Mr. SPAULDING. Yes, sir.

Mr. LUDLOW. How much did the White Book cost?

Mr. SPAULDING. The preliminary edition, which is the only edition out as yet, cost \$25,000 for the Department of State. That includes only the official copies for the Department of State.

Mr. LUDLOW. What was there in connection with the proclaimed list of blocked national that caused this unanticipated increase in cost?

Mr. SPAULDING. We had estimated \$40,000 for the proclaimed list of blocked nationals. But it was the first full year for which the proclaimed list was being brought out, and the committee thought we might try to get through on \$30,000. That proved impossible.

Mr. LUDLOW. Just what printing was necessitated in connection with the proclaimed list? What was the nature of the printing?

Mr. RUSSELL. Here is a copy of the last revision of the proclaimed list. That is brought out every 6 months, and supplements, of which this is a copy, are brought out every 4 weeks.

Mr. LUDLOW. Why should that cost \$40,000; is it the size of the issue?

Mr. RUSSELL. I have here a statement of cost by each revision and by each supplement.

Mr. LUDLOW. How many of this document were issued?

Mr. RUSSELL. We are now running on a schedule of two revisions each year and the supplements; one revision twice a year, and one supplement every 4 weeks. There are 75,000 of each printed.

Mr. LUDLOW. Is that printed at the Government Printing Office?

Mr. RUSSELL. Yes; it is.

Mr. LUDLOW. It seems to me a pretty high cost for that document, considering the paper and all. Have you thought of getting figures from outside of the Government Printing Office?

Mr. SPAULDING. The law requires that we print through the Government Printing Office.

Mr. LUDLOW. Unless the Printing Office itself gives you a waiver?

Mr. SPAULDING. That is correct.

Mr. LUDLOW. And they have not done that?

Mr. SPAULDING. They have not suggested it.

Mr. SNYDER. You say that you asked for \$288,000 for your 1944 appropriation, and that passed the House in the amount of \$248,000; is that right?

Mr. SPAULDING. Yes, sir.

Mr. SNYDER. How much did you ask last year for 1943, and how much did you get?

Mr. SPAULDING. I am not certain that I have those figures.

Mr. SHAW. I think to complete the picture with regard to our 1944 estimate I ought to explain that we are asking for a restoration of the cut of \$40,000 which was made by the House committee before the Senate committee.

Mr. SNYDER. You say you are asking for a restoration of that?

Mr. SHAW. Of the \$40,000.

Mr. SNYDER. I understand that, but I would like to know if the amount that you asked was \$20,000 more than they gave you last year. You are coming here today for \$20,000. If you had gotten all that you had asked for, would you have to be here today?

Mr. SPAULDING. No, sir. We were cut 10 percent by the Senate and \$6,000 by the House last year. The estimate submitted to Congress for 1943 was \$260,000 and I am sure that would have been ample.

Mr. SNYDER. In other words, you would not have to be here if you had gotten all that you had asked for?

Mr. SHAW. That is right, sir.

Mr. SNYDER. One final question. Would you have spent more money, had we given you everything you asked for last year, than you will spend under the current procedure of coming back here and asking for \$20,000 more?

Mr. SPAULDING. I am afraid I did not quite understand that.

Mr. SNYDER. Had we given everything you asked for the fiscal year 1943 right away, would you have spent more than you will have spent, if this \$20,000 that you are now asking for is given to you?

Mr. SPAULDING. No, sir; I think not. We have been very careful with our expenditures; and may I point out that a check of the status of the appropriation on April 30 shows that we are now in the red by \$9,371. Those figures supersede the figures Mr. Shaw gave you which were for April 15. So that we very badly need this money.

Mr. TABER. What is there that you will not do if you do not get this money?

Mr. SPAULDING. We already planned not to do virtually all of the things that we can do without.

Mr. TABER. What is it that you have got to have this money for? Is there anything you have got to do for which you need this money?

Mr. SPAULDING. Yes, sir.

Mr. TABER. That is what I want to know.

Mr. SPAULDING. There are two more supplements to the proclaimed list which must come out this year.

Mr. TABER. That is that blacklist?

Mr. SPAULDING. Yes, sir; of blocked nationals. There are more seamen's passports for which requisition has already been issued, which must be printed this year. It will take some months to get those through the Printing Office. The Passport Division must have those at the time they are needed.

There are printed supplies, particularly letterheads, of which we have ordered very few this year. We have made our saving there so far and we are now almost out of stock. We cannot wait on letterheads, obviously.

There are other commitments for weekly publications, diplomatic lists, lists of Foreign Service officers, which are continuing things and which must go on.

Mr. RABAUT. As I understand, they estimated \$18,000 for 1943 for passport forms and they have expended \$39,000 for passport forms. They have an additional amount that they feel will be necessary before the end of the fiscal year of \$1,000, giving them a shortage of \$22,000 for passport forms, which is an item over which they have no control.

With reference to the blacklist, I would say, Mr. Taber, that originally when this blacklist was printed, it was printed in a very elaborate form. I raised the question about it myself and suggested that we put out supplements rather than reprint the whole list, bringing it down to a smaller size. That is what they are doing now, and that has reduced the cost of this a great deal from what it was originally.

The matter was brought to my attention on a trip to South America, where I saw the blacklist that was published by the British.

Mr. TABER. May I ask one more question? Do these people pay for the passports that are being issued, or are they passports that the Government itself is paying for?

Mr. SHAW. The individual pays for them.

Mr. TABER. Even if he is on Government business?

Mr. SHAW. If he is on Government business, he pays for the application, which is \$1.

The CHAIRMAN. Thank you, gentlemen.

FRIDAY, MAY 7, 1943.

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

STATEMENT OF CHARLES S. BELL, TECHNICAL ASSISTANT, OFFICE
OF THE SECRETARY

PAYMENT OF TRAVEL AND PER DIEM TO CONSULTANTS

The CHAIRMAN. Mr. Bell, we have before us in House Document No. 190 a draft of a proposed provision pertaining to appropriations for the Treasury Department for the fiscal years 1943 and 1944, as follows:

OFFICE OF THE SECRETARY OF THE TREASURY

Appropriations of the Treasury Department for the fiscal years 1943 and 1944 shall be available, in accordance with the Standardized Government Travel Regulations, the Subsistence Expense Act of 1926, as amended (5 U. S. C., ch. 16), and the act of February 14, 1931, as amended (5 U. S. C. 73a), for the payment of travel expenses to and from their homes or regular places of business and per diem in lieu of subsistence at place of employment of persons employed intermittently away from their homes or regular places of business by the Treasury Department as consultants and receiving compensation on a per diem when actually employed basis.

The CHAIRMAN. Will you explain the need of this proposed provision, Mr. Bell?

Mr. BELL. Mr. Chairman, we are having some difficulty in bringing in experts from the field on matters relating to taxes, procurement, and fiscal problems, since a recent decision of the Comptroller General creates some doubt as to the propriety of our paying transportation, plus the usual \$6 per diem expense allowance, in addition to salary, in the case of consultants who are brought to Washington for intermittent employment.

We can bring them in on a straight travel expense basis, provided we do not pay any compensation. If we pay them compensation, then we cannot pay their travel expenses to and from Washington. This works an undue hardship on these consultants, some of whom are brought from as far as the Pacific coast, and who might be obliged to spend \$300 to come to Washington and return.

These consultants may be here for only 1 or 2 days, and their compensation on the basis of \$22 a day might not total more than \$44, while their actual expenses might amount to \$300.

If we determine to bring them in without compensation, we can pay their travel expenses, but that is not a satisfactory solution in all cases. For certain types of service it is desirable to have these consultants given the oath of office as Government employees, particularly if they are to represent us before a tribunal. In such cases their eligibility to testify might be questioned by the opposing side.

That is substantially the problem. It involves very little in the way of money. In 1941 we had only 27 such experts brought to Washington; 9 of those received no compensation and did not want compensation. In 1942 the number was 28, of whom 7 received no compensation.

The CHAIRMAN. Are these men, men of independent means; can they afford to give their time?

Mr. BELL. Many of them are. Some of them are \$100,000 a year men and they can well afford to come to Washington and are willing enough to do it. They offer no problem.

Here is an illustration of the type of case we would like to correct. We have a Committee on Practice which passes on the qualifications of attorneys who apply to practice before the Treasury Department. We bring two members of that committee to Washington from Chicago. They must of necessity be Government employees in order to serve on that committee, but under the Comptroller's decision we are not permitted to pay them their travel expenses from Washington. That is, they may receive compensation for their services, at possibly \$22 a day, but the matter of their travel is their own expense. Obviously their attendance for short periods represents a considerable financial sacrifice under the existing law.

The CHAIRMAN. How much money would be involved here?

Mr. BELL. There is no appreciable amount of money involved.

The CHAIRMAN. How much would it mean per year?

Mr. BELL. Roughly I would say that \$2,000 would cover it.

Mr. TABER. How many people do you expect to bring in?

Mr. BELL. Not in excess of 30. As I say, we had 29 in 1942 and 27 in 1941.

The CHAIRMAN. What appropriations of the Treasury Department are involved; the money would come from what funds?

Mr. BELL. The Internal Revenue appropriation on revenue matters; "expenses of loans" on certain fiscal matters; the "procurement" appropriation on procurement matters, and possibly our "contingent" appropriation made to the office of the Secretary.

Mr. LULLOW. Has the Comptroller General raised a question about this?

Mr. BELL. Yes; he has. The Office for Emergency Management referred the matter to the Comptroller General and he rendered a decision which provided that agencies could not pay the traveling expenses and subsistence expenses of consultants who are employed intermittently and who are compensated on a "when actually employed" basis.

The CHAIRMAN. Thank you, Mr. Bell.

FRIDAY, MAY 7, 1943.

ADMINISTRATIVE EXPENSES, ADJUSTED COMPENSATION PAYMENT ACT, 1936
**STATEMENT OF JOSEPH GREENBERG, ASSISTANT COMMISSIONER,
 BUREAU OF ACCOUNTS, FISCAL SERVICE, DEPARTMENT OF THE
 TREASURY**

REIMBURSEMENT TO POST OFFICE DEPARTMENT FOR REGISTRY FEES AND
 POSTAGE

The CHAIRMAN. We have before us an item, in House Document 182, as follows:

Administrative expenses, Adjusted Compensation Payment Act, 1936: For transfer to the Post Office Department to cover registry fees and postage on

mailings of bonds issued under the provisions of the Adjusted Compensation Payment Act of 1936, fiscal year 1943 (38 U. S. C. 687-C), \$3,500.

Mr. GREENBERG, will you give us a statement on this item?

Mr. GREENBERG. This amount is required to reimburse the Post Office Department for registry fees and postage on mailings of adjusted service bonds during the fiscal year 1943.

In accordance with a prior agreement between the Treasury and Post Office Departments, mailings of adjusted-service bonds are accepted by the latter without prepayment of registry fees and postage. Upon the monthly determination of the charges for such fees and postage, bills are submitted to the Treasury Department.

Monthly bills covering the cost of registry fees and postage on such mailings during the first 8 months of this fiscal year reflect a total of \$2,137.80 due the Post Office Department.

Based upon the activities of the first half of the fiscal year, it is estimated that \$3,500 will be sufficient for this purpose for the entire fiscal year.

A statement of actual and estimated obligations during the fiscal years 1942 and 1943 is attached.

Statement of actual and estimated obligations for registry fees and postage on mailings of the Post Office Department of adjusted-service bonds during the fiscal years 1942-43

	1942	1943		1942	1943
July.....	\$688.65	\$372.15	February.....	\$370.80	\$173.10
August.....	601.35	339.75	March.....	396.75	¹ 340.55
September.....	583.65	324.45	April.....	340.20	¹ 340.55
October.....	507.60	248.10	May.....	490.95	¹ 340.55
November.....	407.25	201.60	June.....	464.70	¹ 340.55
December.....	557.85	270.90			
January.....	471.90	207.75	Total.....	5,881.65	3,500.00

¹ Estimated.

That item is dwindling from year to year and is pretty nearly closed out now.

Mr. TABER. It seems to be a declining activity.

Mr. GREENBERG. Yes, sir; it has been declining for a number of years.

The CHAIRMAN. This refers to the soldiers' bonus?

Mr. GREENBERG. Yes, sir.

Mr. LUDLOW. This is a reimbursement for postage only?

Mr. GREENBERG. Yes, sir.

Mr. LUDLOW. No personal services?

Mr. GREENBERG. No, sir.

BUREAU OF ACCOUNTS

REFUND OF MONEYS ERRONEOUSLY RECEIVED AND COVERED

The CHAIRMAN. We have another item in House Document No. 181 from the Treasury Department, a request for a deficiency of \$50,000, as follows:

Refund of moneys erroneously received and covered, 1943: For an additional amount for refund of moneys erroneously received and covered, fiscal year 1943 (56 Stat. 153), \$50,000.

What gives rise to the necessity of this additional fund?

Mr. GREENBERG. This appropriation covers expenditures on account of refunds of moneys erroneously received and covered, of the character formerly chargeable to the several appropriation accounts abolished July 1, 1935, under section 19 of the Permanent Appropriation Repeal Act of 1934, and refunds of any other collections erroneously covered which are not properly chargeable to any other appropriation.

The appropriation for 1943 for this purpose is \$50,000, of which \$49,989.65 has been expended, leaving an unexpended balance of but \$10.35.

We are asking for a supplemental appropriation of \$50,000. There are now on hand administrative copies of certificates of settlement totaling \$46,058, representing claims settled by the General Accounting Office which cannot be paid due to lack of funds. Thus, the supplemental appropriation now requested, if provided, will be barely sufficient to pay claims now on hand; all other claims settled during the remainder of the current fiscal year will have to wait until the regular appropriation for 1944 becomes available on July 1, 1943.

I might add that this appropriation is not subject to administrative control, as payments are made on certificates of settlement of the General Accounting Office which are based on claims received by a number of the departments and establishments of the Government. The Treasury Department has no information as to the number of claims pending settlement in the General Accounting Office or the number that may be in process of transmission to that office from the several governmental departments and establishments.

A statement showing the total number and amount of claims paid by years, since 1939, follows:

Refund of moneys erroneously received and covered

Fiscal year during which payments were made	1943		1942		1941		1940		1939		Total	
	Num- ber of claims	Amount	Num- ber of claims	Amount	Num- ber of claims	Amount	Num- ber of claims	Amount	Num- ber of claims	Amount	Num- ber of claims	Amount
1943	1 654	\$50,000	580	\$40,000.00							1,234	\$90,000.00
1942			1,074	74,999.40	140	\$11,999.29					1,223	86,998.69
1941					415	35,000.00	69	\$3,937.01			484	38,937.01
1940							424	31,061.77	425	\$30,113.73	849	61,175.90
1939									314	9,815.95	314	9,815.95
Total number and amount of claims paid out of each appropriation	654	50,000	1,654	114,999.40	564	46,999.29	493	34,998.78	739	39,959.68	4,104	286,957.15
Unexpended balance				.60		.71		1.22		40.32		42.85
		50,000		115,000.00		47,000.00		35,000.00		40,000.00		287,000.00

¹ Payments through Apr. 1, 1943.

Mr. LUDLOW. Will this clear away your backlog?

Mr. GREENBERG. It will just barely clear it away.

Mr. TABER. How is that you get so much in here, more than you have been having heretofore?

Mr. GREENBERG. That is pretty hard to say. These claims, of course, affect practically every government department and independent establishment and they feed from the departments and the establishments into the General Accounting Office for settlement. They settle many types of claims under this appropriation. No one knows exactly how many they have in the mill. These claims are spread among about three or four hundred claims examiners in the General Accounting Office. In addition no information is available as to the number the departments may have in their possession.

Mr. LUDLOW. This item is not subject to administrative control, to any extent?

Mr. GREENBERG. No, sir; it is not subject to administrative control at all. We have to pay what the General Accounting Office settles. There are quite a number of different types of claims running through the various departments, and they are all lumped into this one appropriation account.

The CHAIRMAN. Thank you, Mr. Greenberg.

SATURDAY, MAY 8, 1943.

DEPARTMENT OF JUSTICE

LAND DIVISION

STATEMENTS OF NORMAN M. LITTELL, ASSISTANT ATTORNEY GENERAL IN CHARGE OF LANDS DIVISION; J. EDWARD WILLIAMS, FIRST ASSISTANT; AND HENRY D. ROGERS, ADMINISTRATIVE ASSISTANT

SALARIES AND EXPENSES

The CHAIRMAN. Mr. Littell, we have a deficiency item in House Document No. 193 of \$280,000 for salaries and expenses, Lands Division. You received a total of \$3,750,000, of which, according to your report here, \$3,755,204 was obligated as of March 31, 1943.

Mr. LITTELL. Yes, sir.

The CHAIRMAN. You are asking for this additional \$280,000 as a supplemental appropriation or as a deficiency appropriation?

Mr. LITTELL. As a deficiency appropriation.

The CHAIRMAN. Will you give us a statement on the need of that?

JUSTIFICATION OF ESTIMATE

Mr. LITTELL. May I submit this formal statement with facts and figures and then make a general summary?

The CHAIRMAN. Submit it to the Reporter, and then you may give us the substance of it.

(The statement is as follows:)

JUSTIFICATION OF ESTIMATE—SECOND SUPPLEMENTAL APPROPRIATION, FISCAL YEAR 1943, SUBCOMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES—STATEMENT FOR THE RECORD, MAY 8, 1943

I. Amount requested.—It is estimated that the Lands Division will require a deficiency appropriation of \$280,000 to supplement the current appropriation of \$3,750,000 for the 1943 fiscal year.

The original appropriation of \$3,000,000 for the present year was found to be inadequate and the Bureau of the Budget approved a request for a supplemental appropriation of \$1,000,000. The Congress appropriated only \$750,000. Although every effort has been made to operate the Division with this reduced amount, the necessary expenses of litigation have been very heavy, due to the gigantic land acquisition program being carried out by the Federal Government.

II. Functions of the Lands Division.—The Lands Division of the Department of Justice is counsel for the Federal Government and its agencies and executive departments in all matters connected with public lands, including the acquisition thereof, and is charged with the responsibility of acquiring and approving title to, and possession of, land needed for the war effort, either by direct purchase or through the exercise of the right of Eminent Domain, by judicial condemnation proceedings. The Division is a service unit. It has no control over the volume of work it is called upon to perform.

III. Objectives of the Lands Division.—The Lands Division for the last 3 years has concentrated upon three principal objectives:

(1) *Speed of acquisition.*—Getting the military agencies of the Government rapidly into possession of sites vitally needed for training areas, plant sites, drydocks, defense housing, and many other war purposes. This objective has been completely attained and the average time for getting title or possession of sites in 1942 was 4 days 5 hours and 20 minutes. Speed is still a factor and requests for condemnation are being referred to the Lands Division at a rate of about 50 to 100 cases a week (embracing hundred of tracts not accurately determinable when cases are filed).

(2) *Rapid payment of property owners.*—The second objective has been the rapid payment of property owners, insofar as this responsibility rests upon the Department of Justice. After weeks and months of delay in securing title evidence and in negotiating with property owners by the War, Navy, or other departments of the Government acquiring the sites, declarations of taking are filed on the tracts where the acquiring agency has been unable to reach agreements with property owners and acquire their property by direct purchase. The great mass of pending condemnation work has reached this stage and declarations of taking are being received in increasing numbers, embracing properties on which title difficulties or disagreements as to value have prevented direct purchase. These are the troublesome and litigious cases and cases involving the most acute hardship because the property owners have received no money, although they may have been out of possession for many months.

The distribution of funds in court to property owners who have already waited too long for their money is one of the grave problems throughout the country. It is a problem which involves many thousands of families and exists in varying degrees in every State of the Union with possible exception of one or two where acquisitions have been few.

(3) *Trial of cases, defeating excessive claims.*—The third objective of the Lands Division has been to win cases and conclude all outstanding interests to avoid subsequent suits filed by landowners claiming that their property was taken without just compensation. This objective also has been attained with demonstrable savings of millions of dollars to the Government. For example, in the *Boston Port Development Company case*, concluded March 16, 1943, the owner, supported by competent testimony and represented by extremely able counsel, an ex-Federal judge, claimed over \$900,000 but the verdict of the jury was \$393,690. Other examples of the savings to the Government caused by defeating excessive claims are shown in exhibit A, attached. Insufficient funds at this time with a rising volume of litigation and the trend toward the acquisition of more expensive urban properties and industrial sites will definitely entail needless losses to the Government. This would be penny wise and pound foolish.

Furthermore, interest is payable on the awards to property owners from the time when possession is granted, usually at 6 percent, until money is deposited

in court, and if that deposit proves insufficient, interest is payable on the deficiency from the date of possession. Great sums of money will be paid out in interest as a result of delay in prosecuting these condemnation cases, and delay will most certainly result if the Lands Division is forced to cease operations due to the lack of funds.

IV. Work and obligations first 10 months, 1943 fiscal year.—During the first 10 months of the present fiscal year the Division handled a larger volume of work than during any similar period in its history. This is shown in exhibit B, which compares the volume of work of the first 10 months of the 1943 fiscal year with the volume of work of the first 10 months of the 1941 and 1942 fiscal years. This statement shows that the number of cases received during the current period increased 71 percent as compared with the 1941 fiscal year and 6 percent as compared with the 1942 fiscal year; cases closed increased 75 percent over the 1941 fiscal year and 37 percent over the 1942 fiscal year; opinions written increased 178 percent over 1941 and 50 percent over 1942; and the cost of land acquired increased 167 percent over 1941 and 90 percent over 1942.

The increased work necessitating the employment of adequate personnel, coupled with an accompanying rise in the other costs of litigation, because of its character and volume, has resulted in the Division's overobligating its appropriation of \$3,750,000. Exhibit C, a statement of allotments, obligations, and unobligated balance of allotments as of April 30, 1943, shows an overobligation of the appropriation by \$120,929.60. Consequently, unless the requested additional funds are made available, the Division must reject, for the balance of this fiscal year, all requests to incur expenses of litigation—expenses for services which are vitally necessary in order to defeat excessive claims and to effect speedy distribution of moneys to landowners.

V. Work for balance of 1943 fiscal year and 1944 fiscal year.—The overwhelming facts are that on April 30, 1943, the Lands Division was confronted with the necessity of handling 71,579 tracts of land in condemnation involving approximately 20,000,000 acres—a tremendous task inasmuch as each condemnation tract is, in effect, a separate lawsuit requiring individual attention, negotiation with the owner, trial, etc. In addition, there are pending for direct purchase 8,225 tracts of land, being given active consideration.

The Lands Division has sufficient work on hand to continue operations at full force throughout this year and next. If the acquiring agencies should discontinue requesting the Division for service, there is enough work "on order" to make it necessary to retain existing personnel and to continue to make expenditures at the present rate for other services. Exhibit D, attached, shows that the work pending on April 30, 1943, had increased 54 percent over the work pending on April 30, 1942, and 244 percent over the work pending on April 30, 1941. Careful attention to this exhibit will reveal that the number of pending condemnation tracts increased 67 percent over April 30, 1942, and 282 percent over April 30, 1941.

Requests for the acquisition of land by condemnation proceedings are still pouring into the Lands Division, as evidenced by the fact that for the period January 1 to April 30, 1943, 1,505 cases were received involving 14,712 tracts of land. During the same period the Division closed 722 cases, involving 7,688 tracts of land. There is attached as exhibit E a statement showing the number of condemnation cases and tracts received and closed each week for the period January 1 to April 30, 1943. This exhibit reveals that the cases received exceeded the cases closed by 783 cases, involving 7,024 tracts.

VI. Break-down of amount required.—A break-down of the amount justified herein appears on exhibit F, attached. No request for additional funds for personnel is made. It is believed that with judicious expenditure the balance of \$10,140 for personal services, departmental and field, will suffice. The entire amount of \$280,000 is requested for "other obligations" and covers expenses of litigation such as the employment of expert witnesses and appraisers, the procurement of title evidence, special stenographic work, publication of notices, and supplies and materials. The amount requested for each of these items represents the difference between the total required for the year (at the present rate of obligation) and the amount available under the current appropriation, with the exception of abstracts of title. The War Department estimates that it will be necessary for the Lands Division to pay \$416,000 for title evidence during the 1943 fiscal year; additional amounts will be expended for title evidence for lands acquired for other agencies.

VII. Conclusion.—It must be borne in mind that the Lands Division is a service unit, obligated by statute to file cases and conduct litigation when

requested by other agencies of the Government. It cannot, therefore, control or curtail the volume of work.

If the Lands Division is forced to cease operations because of insufficient funds, the Government would be forced into trial on innumerable cases with inadequate witnesses and preparation and would sustain great monetary losses. An additional appropriation of \$280,000 is, therefore, requested, in order that the functions of the Division, all of which are necessary, may continue, and excessive claims of property owners can be defeated, thus avoiding substantial losses to the Government.

In addition, since the activities of the Division touch so intimately the lives of American citizens, to avoid serious economic and social consequences which might develop, it is the absolute duty of the Lands Division of the Department of Justice to do everything in its power to effect speedy distribution of over \$110,000,000 deposited in court so that money may be placed in the hands of those citizens who have voluntarily or involuntarily given up their homes and businesses.

EXHIBIT A.—*Examples of savings to the Government*

Name of project or case	Owner's valuation	Amount of award	Savings
Interests of 4 oil companies in naval air station project at Corpus Christi, Tex.	\$2,500,000	(¹)	\$2,499,999
Pittsburgh Plate Glass Co.	500,000	\$250,000	250,000
Boston port development	905,000	393,000	512,000
Marine glider base, North Carolina, Julian Wood tract	250,000	69,520	180,480
McDill Field, Atlantic Coast Line R. R. tract	859,000	11,000	848,000
Loyalhanna Dam and Reservoir, Pittsburgh, Pa., Graff tract	112,000	12,500	99,500
Terminal Island, Calif.	(²)	(³)	25,950,000
Ravenna ordnance, tract No. 10	15,390	7,500	7,890
Fall Creek ordnance	204,000	103,000	101,000
Access roads project in Virginia, Horning tract	228,000	104,000	124,000
Columbia Basin project, Big Bend Transit Co.	700,000	93,000	607,000
<i>United States v. Lands in Town of Ighland, N. Y., Cragston Association</i>	683,800	149,528	534,272
Total	32,957,190	1,243,049	31,714,141

¹ Verdict in favor of the Government. Owners awarded \$1.

² Owners claimed \$26,000,000 for fee interest.

³ Awarded \$50,000 for term of years.

EXHIBIT B.—*Volume of work, first 10 months each fiscal year*

	1943	First 10 months 1942	1941
Cases received	26,180	24,670	15,283
Cases closed	24,555	17,865	13,984
Opinions written	82,426	54,819	28,611
Cost of land acquired	\$133,656,840.99	\$64,830,965.78	\$46,284,446.56

	Increase 1943 over 1942		Increase 1943 over 1941	
	Number	Per cent	Number	Per cent
Cases received	1,510	6.12	10,897	71.30
Cases closed	6,690	37.45	10,571	75.59
Opinions written	27,607	50.36	52,815	178.36
Cost of land acquired	\$58,825,875.11	90.74	\$77,372,394.43	167.17

EXHIBIT C.—Statement of allotments, obligations, and unobligated balances of allotments as of Apr. 30, 1943—1530307—salaries and expenses, Lands Division, Department of Justice, 1943

Description	Allotments as of Apr. 30, 1943	Obligations as of Apr. 30, 1943	Unobligated balance as of Apr. 30, 1943
Personal services:			
Seat of government.....	\$825,000.00	\$782,234.50	\$42,765.50
Field.....	1,730,000.00	1,704,803.14	25,196.86
Total, administrative pay roll.....	2,555,000.00	2,487,037.64	67,962.36
Special expert services.....	423,000.00	479,260.82	¹ 56,260.82
Total, personal services.....	2,978,000.00	2,966,298.46	11,701.54
Miscellaneous costs:			
Transportation of things.....	2,311.00	3,003.30	¹ 692.30
Communication.....	15,197.00	23,770.20	¹ 8,573.20
Rent.....	36,675.00	49,204.11	¹ 12,529.11
Utilities.....	45.00	45.00	
Abstracts of title.....	359,964.00	484,141.00	¹ 124,177.00
Recording.....	23,544.00	28,333.80	¹ 4,789.80
Special stenographic work.....	56,223.00	57,258.42	¹ 1,035.42
Publication of notices.....	101,063.00	95,774.00	5,289.00
Commissioners.....	121,181.00	102,001.37	19,179.63
Guardians a item.....	10,308.00	14,769.34	¹ 4,461.34
Miscellaneous.....	3,207.00	3,334.34	¹ 127.34
Supplies and materials.....	20,515.00	23,478.08	¹ 2,963.08
Equipment.....	21,767.00	19,518.18	2,248.82
Total, miscellaneous costs.....	772,000.00	904,631.14	¹ 132,631.14
Total.....	3,750,000.00	3,870,929.60	¹ 120,929.60

¹ Red figures (decrease).

EXHIBIT D.—Work pending in the Division as of Apr. 30, each fiscal year

	April 30			Increase, 1943 over 1943		Increase, 1943 over 1941	
	1943	1942	1941	Number	Percent	Number	Percent
Court cases (other than condemnation)	2,132	1,656	1,163	476	28.74	969	83.32
Condemnation cases—by tracts.....	71,579	42,648	18,713	28,931	67.83	52,866	282.51
Title tracts.....	8,225	8,819	3,938	¹ 594	¹ 6.73	4,287	108.86
Total court cases and tracts.....	81,936	53,123	23,814	28,813	54.23	58,122	244.07

¹ Red figures (decrease).

EXHIBIT E.—Number of condemnation cases and tracts received and closed for the period Jan. 1 to May 1, 1943

Week ending—	Number of cases re- ceived	Number of tracts re- ceived	Number of cases closed	Number of tracts closed
Jan. 9.....	53	401	30	461
Jan. 16.....	88	1,032	43	248
Jan. 23.....	91	1,369	37	432
Jan. 30.....	63	714	35	446
Feb. 6.....	118	856	28	207
Feb. 13.....	87	756	36	420
Feb. 20.....	95	1,128	42	437
Feb. 27.....	95	1,223	47	762
Mar. 6.....	104	751	15	183
Mar. 13.....	107	873	48	451
Mar. 20.....	120	548	85	448
Mar. 27.....	57	874	54	689
Apr. 3.....	102	1,262	22	563
Apr. 10.....	102	879	41	608
Apr. 17.....	60	680	56	508
Apr. 24.....	81	783	63	474
May 1.....	82	583	40	351
Total.....	¹ 1,505	¹ 14,712	722	7,688

¹ Involves the acquisition of approximately 1,250,000 acres.

EXHIBIT F.—*Summary of justification of supplemental 1943, of \$280,000*

By objects	Available, 1943	Obligated Mar. 31, 1943	Unobli- gated balance	Supple- mental required	Total required, 1943
PERSONAL SERVICES					
Personal services, departmental.....	\$825,000	\$789,415	\$35,585	¹ \$30,000	\$795,000
Personal services, field.....	1,730,000	1,713,445	16,555	¹ 12,000	1,718,000
Total permanent.....	2,555,000	2,502,860	52,140	¹ 42,000	2,513,000
Special expert services.....	423,000	409,585	13,415	123,108	546,108
01 Personal services, net.....	2,978,000	2,912,445	65,555	81,108	3,059,108
OTHER OBLIGATIONS					
03 Transportation of things.....	2,311	2,970	¹ 659	1,649	3,960
04 Communication.....	15,197	17,795	¹ 2,598	8,527	23,724
05 Rent and utilities.....	36,720	49,135	¹ 12,415	15,965	52,685
07 Other contractual services.....	675,490	735,065	¹ 59,575	164,645	840,135
08 Supplies and materials.....	20,515	19,187	1,328	5,069	25,584
09 Equipment.....	21,767	18,607	3,160	3,037	24,804
Total other obligations.....	772,000	842,759	¹ 70,759	198,892	970,892
Total obligations.....	3,750,000	3,755,204	¹ 5,204	280,000	4,030,000

¹ Contra.

GENERAL STATEMENT

Mr. LITTELL. The Lands Division of the Department of Justice, as many members of the committee know, is the legal arm of the Government in conducting the condemnation proceedings for the acquisition of lands and in writing the opinions of the Attorney General on the validity of titles as to lands bought by direct purchase.

The volume of work due to the war needs for land acquisition is of unprecedented volume, probably 10 times greater than at any other period in the history of the United States.

We have three objectives in the main in conducting the legal side of this land-acquisition work. The first one was to get the Army, the Navy, and the military agencies of the Government rapidly into possession, because the lands acquired and needed for plant purposes, training purposes, drydocks and airfields, covering substantially all of the functions of the war effort, had to be acquired quickly, particularly in the year following Pearl Harbor.

So in that objective we had so streamlined the condemnation proceedings of the Department that we have taken these lands at an unprecedented rapid rate.

I shall not dwell upon that except to mention the fact that we have streamlined our legal procedure to the point where we take sites anywhere in the United States in an average time of 4 days, 4 hours, and 12 minutes in the quarter of the fiscal year in which Pearl Harbor occurred, and we maintained in 1942 the average time of 4 days, 5 hours, and 20 minutes.

We feel that we completely achieved that first objective in getting the United States into possession.

The second objective was the rapid payment of property owners. Let me express briefly our failures and successes on that front.

We have aimed at the maximum speed of getting the money moved out of court into the possession of property owners who were dispossessed of their lands. That falls into two branches of work. The

first and main branch in the liquidation of these properties is handled by the War Department or the Navy Department, or other acquiring agencies of Government.

Under the Second War Powers Act, under which we had proceeded since the operation of war, the Government takes possession first and settles with the property owners later, sometimes without adequate information as to appraisal or title evidence and without surveys. But under the War Powers Act the War Department is empowered to negotiate with property owners; and they have a vast field organization, as you no doubt know, which negotiates with property owners and endeavors to close the acquisition of the individual properties by direct purchase. We have over 71,000 such properties pending in condemnation at this time, in which the War Department is working out the problem of direct purchase, and if they fail to consummate a direct purchase by reason of one or two facts—principally difficulties in title evidence so that the owner cannot deliver title, and, secondly, differences of opinion as to valuation—then they send the matter to the Department of Justice with a so-called declaration of taking and a check covering the estimated value of the property. We deposit that declaration then in court with the check; and from then on the case is ours. When the War Department, for instance, fails in negotiation, it is checked to us as a declaration of taking, to cure the title or to iron out differences of opinion in courts as to valuation.

That, in short, is a summary as to the objective, which is to pay the property owners rapidly.

I might add that we have succeeded in paying property owners at a speed never before accomplished.

At South Portland, Maine, for example, we took six and a half city blocks between two shipyards, on Friday we filed the declaration of taking, and by Saturday morning we had paid almost half of the 47 property owners who were involved, and by the following Tuesday all but 5 nonresident owners, with title approved, and the matter was closed and dismissed from court.

We liquidated the Jacksonville air base, about a 2,000-acre areas, with 300 or 400 tracts, in 11 months, including the trial of five cases.

However, those are rather pleasant oases in a desert of conspicuous delays and failures.

DEFICIENCY IN CURRENT APPROPRIATION

The CHAIRMAN. How much money do you have on hand at the present time?

Mr. LITTELL. \$110,000,000 deposited in court. It changes every day.

The CHAIRMAN. How long will that suffice?

Mr. LITTELL. Just what do you mean?

The CHAIRMAN. How much more do you have on hand at this time of your appropriation of \$3,750,000?

Mr. LITTELL. We started this request for a deficiency before we had a deficit. By the time we got to the Bureau of the Budget we had a \$5,000 overdraft from funds that were committed, and at the present time we are \$120,000 overdrawn, or in the red.

The CHAIRMAN. How are you meeting your pay roll?

Mr. LITTELL. Those are commitments. You see, the pay roll runs clear to July 1.

The CHAIRMAN. Your pay roll is included in this \$3,750,000?

Mr. LITTELL. Yes.

SPECIAL EXPERT SERVICES AND OTHER CONTRACTURAL SERVICES

The CHAIRMAN. Out of this \$280,000 that you are asking are two special items. One is \$123,000 for expert services, and another is \$164,000 for other contractual services.

Mr. LITTELL. That is right.

The CHAIRMAN. You have a rather substantial amount for personal services.

Mr. LITTELL. We are asking nothing for personal services.

The CHAIRMAN. How is that that you have unexpected calls on you for special expert services?

Mr. LITTELL. They have not been. We anticipated this to begin with, but we were cut over the recommendation of the Budget.

The CHAIRMAN. When you were cut, didn't you thereupon reduce your schedule and plan to live within your appropriation, or did you just go ahead and not pay any attention to what Congress did?

Mr. LITTELL. Not by any means. Let me explain that. Our position under the law must be explained. We are not an agency like, let us say, the Antitrust Division, which can decide as a matter of policy not to bring antitrust cases, or other agencies of the Government which can decide, pursuant to an act of Congress, that they shall not discharge certain functions.

Our obligations are mandatory by law of Congress. The Lands Division of the Department of Justice has to handle this burden of litigation and write the opinions of the Attorney General whenever an agency of the Government asks it to do so. We have to proceed; the obligation rests on the Attorney General and he cannot decide not to do those things. The obligation is there.

We pointed that out to the committee, but in the speed with which we moved up here, I did not feel that it was fully grasped, perhaps, with the enormous burden of work that rests upon the members of the Appropriation Committee.

We are acting according to law. Now, if we do not have the money with which to perform the functions, the functions will fail; we will advise an agency that we cannot handle a condemnation case, and the whole machinery that the Government has set up breaks down so far as the acquisition of lands is concerned.

SAVINGS TO GOVERNMENT THROUGH LEGAL WORK ON VALUATION AND AWARDS ON PROPERTY PURCHASE

The CHAIRMAN. You cannot perform that duty on a more economical basis?

Mr. LITTELL. We cannot, sir. We have saved the Government many, many times our appropriation by able legal work. And I can show it to you.

BOSTON PORT DEVELOPMENT

If you will look at exhibit A, for example, that has just a few of the cases. Ten days ago we were in Boston on the *Port Development*

case. I might say, since it is still fresh in my mind, that it illustrates the expert witness problem. I can explain it better than the exhibit shows it but it is typical of many other cases.

The CHAIRMAN. I note you show a saving here of \$512,000. How do you estimate that you saved \$512,000?

Mr. LITTELL. The *Boston Port Development* case was tried by one of the ablest counsel in Boston, with a battery of some of the ablest witnesses we were ever up against, experts from the real estate and industrial field in Boston. They were claiming over \$900,000 for that site.

The CHAIRMAN. \$905,000.

Mr. LITTELL. Yes; \$905,000. When I say that they were claiming that they were proving it by competent evidence. That does not mean that that was just an allegation in a petition; they put on substantial and convincing evidence. The case was handled by Judge McMillan, retired United States district court judge, considered one of the ablest trial lawyers of the Boston bar, and it was watched by some 50 members of the bar, because of the great amount of condemnation work that we have pending up there. They expected "to find gold in them thar hills." We threw our ablest witnesses and counsel against them. We won the case, and the amount of the award was \$393,000. We tried that case, and we tried it hard, and we won it. It not only means a \$512,000 saving there, but there is the effect on other properties up there.

The CHAIRMAN. I notice the summarization of the projects and cases that are given here. I take it for granted that you have naturally put in those which make the best showing. The valuation asked was, in round figures, \$33,000,000; the amount of the award in court was \$1,250,000, a saving of practically \$32,000,000?

Mr. LITTELL. Yes.

The CHAIRMAN. That is a very favorable showing.

TERMINAL ISLAND, CALIF.

Mr. LITTELL. Take Terminal Island, Calif., which is the principal item.

The CHAIRMAN. This was an ex parte proceeding on your part, and you have given us the favorable cases. Now, do you list the cases in which the awards were more than the owners' valuations?

Mr. LITTELL. No, sir; but I can get them. Usually they do not run over 10 percent above our testimony. The worst one that I know of is the *Terminal Island* case. The Terminal Island naval hospital.

The CHAIRMAN. Where was that located?

Mr. LITTELL. That is right in behind Terminal Island, which is San Pedro Harbor.

The CHAIRMAN. In California?

Mr. LITTELL. Los Angeles, Calif. That was for a naval-hospital site. Speaking in round figures, it was \$163,000 for the main-hospital site and \$133,000 for the severance damages.

Isn't that right, Mr. Williams?

Mr. WILLIAMS. I think that is correct.

Mr. LITTELL. It was an outrageous result and one as to which I shall exhaust every remedy to bring it to the highest court.

Mr. TABOR. Is he the same judge who tried the other *Terminal Island case*?

Mr. LITTELL. No, sir. There are many judges in the southern district of California.

The CHAIRMAN. As to the *Terminal Island, Calif., case*, I notice there in your amount of award that you say "awarded \$50,000 for term of years." Then this is hardly a correct statement, because that is indefinite. Should that not be corrected? For how many years is it? Is it an indefinite term of years?

Mr. LITTELL. This case does need explanation. The Judge Advocate General of the Navy, when he was in charge of the land acquisition—which is no longer true—filed declarations of taking on Terminal Island. We had taken that property, and I then discovered that there was oil on it. The Judge Advocate General of the Navy had not realized that and the full import of it. He sought to eliminate the oil problem merely by eliminating a 250-foot strip having six oil wells on it.

The CHAIRMAN. Was that after judgment had been rendered and title had passed?

Mr. LITTELL. Title had passed. The Judge Advocate General sought to eliminate the oil problem. Oil wells are all around this place. Here there are 334 acres. He sought to eliminate the oil problem by offsetting a line 250 feet in order to eliminate six oil wells. He only eliminated the oil wells. This does not solve the oil problem.

The oil field extended out under the 334 acres taken, and these wells were draining oil from Navy lands—the 334 acres. When I discovered this situation I went to the Secretary of the Navy, because it was a major matter, and I said "Look here. You have taken an oil field. You may have to offset these wells. The only protection to an owner of the field is to drill offsetting wells."

We could not do that, because the Navy needed every inch of that space. He asked me to make a personal investigation of the *Terminal Island case* for both departments. We had taken it; the Government was liable for the value of this oil field. The testimony was that there were 30,000,000 barrels of oil in the field. I retained the best expert in California that I could get. He went over the figures, and he said there was no question about the 30,000,000 figure being correct. That field is worth between \$13,500,000 and \$26,000,000. The title was vested, and we were liable for a deficiency judgment. We had deposited \$300,000 for surface rights of the property. We entered into negotiations with the city of Long Beach. The Secretary of the Navy asked me to handle it for both departments of Government. We pulled these chestnuts out of fire after months and months of negotiation, against the plain fact that the Government stood legally liable for a full judgment for the value of this oil field. And I could not find an expert in California who did not know that there was oil field there.

The city of Long Beach had only one thing I could get a leverage on: They would like to get the oil back for the sake of the revenue that it brought in daily, rather than taking it in a lump sum. We entered into one of the most interesting horse trades in which I have ever participated in my position. It lasted 1 week. Finally, the net result was that we entered into a deal with them that we would agree to

eliminate the oil estate from this taking by stipulation in court and by decree of court, so that they could get their oil by "whipstocking"—that is, by slant drilling under our 334 acres. They can drill out a couple of miles underneath the water and not touch the surface at all.

So we finally entered into a stipulation in which we agreed that in consideration of our abandoning the oil and other matters—I will not bore you with all the legal details—to give us this surface right for \$1 and eliminate the oil estate, and we did that.

PERCENTAGE OF LAND ACQUISITIONS ON AGREED BASIS

Mr. LUDLOW. What percentage of land acquisitions would you say are on an agreed basis and what percent on a condemnation basis?

Mr. LITTELL. I estimate about 90 percent of the properties are closed on an agreed basis, either on direct purchase before we are in court or including our settlement of cases after they come to us.

The CHAIRMAN. Your modus operandi in condemnation is to present the issues to a local jury, is it?

Mr. LITTELL. Yes, sir.

The CHAIRMAN. Do you get stung very often by those local juries?

Mr. LITTELL. In certain communities we have gotten stung.

PURCHASE OF LANDS FOR GUN ASSEMBLY PLANT AT LOUISVILLE, KY.

Mr. LITTELL. Take Louisville. I had a situation in Louisville in which we had taken a gun assembly plant for the United States Navy which we knew was worth only \$350 an acre, but the owners were claiming \$800 an acre. They were represented by a big trust company, which would not touch settlement for less than \$600. We could not find a witness in Louisville who would go on the stand for us. My attorney combed the field down there. And I had a beautiful certificate with a big blue seal of the real-estate board, in which three leading appraisers of the real-estate board agreed that it was worth \$650. They differed as to religion, politics, and everything else, but the one thing they agreed upon was the value for this property in Louisville.

That was a plain steal. We could not get a witness. The real-estate board so dominated the market that we could not get a witness. So I let them have it in a public release, and I announced the policy, which we have followed since, that wherever the Government ran into a situation like that we would concentrate our best legal talent and would spare no expense on expert witnesses, we would appraise every inch of that property and measure every downspout, every shrub, every fixture, and we would take those people to the highest court we could take them to. We made that known, and the owners were in the office that afternoon at 4 o'clock and they settled the case at \$400 an acre.

I am watching the Philadelphia situation with great care. One case up there was one in which, even before we got to the jury, the Commissioners awarded \$70,000 for a piece of property that we claimed was worth from \$6,000 to \$8,000. We took it before the jury and got it down to \$7,475 from \$70,000.

The juries have been very fair. I must say that. The juries are good, loyal citizens. On the whole, my faith in the jury system has been restored.

NUMBER OF LAND TRACTS RECEIVED AND CLOSED DURING 1942 AND 1943

Mr. LUDLOW. Is not your acquisition program about over?

Mr. LITTELL. No, sir.

Mr. LUDLOW. How much of a backlog do you have?

Mr. LITTELL. Let me give you the basic figures. In 1942 we received in condemnation 36,920 tracts.

Mr. LUDLOW. That is the fiscal year 1942?

Mr. LITTELL. Yes, sir. I will give you a copy of this statement.

The CHAIRMAN. Without objection it will be included in the record, as exhibit G.

EXHIBIT G.—*Number of tracts received and closed*

1942 FISCAL YEAR

	Received	Closed	Increase new over closed
Condemnation.....	36,920	9,078	27,842
Title.....	24,127	18,282	5,845
Total.....	61,047	27,360	33,687

FIRST 10 MONTHS 1943 FISCAL YEAR

Condemnation.....	33,560	15,671	22,898
Title.....	18,725	20,392	-1,667
Total.....	57,294	36,063	21,231

Mr. LUDLOW. Most of these lands are lands for Army camps and military reservations and all of that, aren't they? Haven't they all been processed?

Mr. LITTELL. They are in process right now. So far as our work is concerned, they are nearly processed and title vested; but they are by no means liquidated.

NUMBER OF CONDEMNATION CASES AND TRACTS RECEIVED AND CLOSED FOR
THE PERIOD JANUARY 1, 1943, TO MAY 1, 1943

If you will look at Exhibit E, the account for this calendar year up to May 1 you will see in that first column, January to May 1,505 condemnation cases. The number of tracts embraced in those cases represents 14,712. They will turn out to have more tracts than that. You do not have all of the original data when you first get the acquisition. When you shake down these cases, they embrace approximately 1,250,000 acres. Number of cases closed 724; tracts closed, 7,688. Thus, the new tracts received exceeded number of tracts closed by 7,024.

Mr. LUDLOW. Is the title of every tract, no matter how small and insignificant, passed upon by you?

Mr. LITTELL. Ultimately. There is a special provision permitting the Army to pay out money.

Mr. LUDLOW. I understood they took the property over.

Mr. LITTELL. Yes. And even on the preliminary opinion out in the field they will take the title evidence and pay out, and then send

in the title, to be sure nothing is wrong with it; and we will correct it if there is anything wrong with it.

Mr. LUDLOW. I would think that in monumental operations like this you could accept titles and run them down and save a lot of time. Do you have to run a title down from the beginning?

Mr. LITTELL. No, sir; the private companies do that. They are getting a half million dollars from us this year.

Mr. LUDLOW. Are you allowed to accept a continuation of the title?

Mr. LITTELL. Yes, sir; but sometimes we cannot get it.

Mr. RABAUT. He means: Does every title go back to the patent?

Mr. LITTELL. Is that what you mean?

Mr. LUDLOW. That is what I mean. You are allowed to accept continuation of title from a responsible title company, are you not?

Mr. LITTELL. Oh, yes; and we make it a policy to do that. Wherever we can get an old abstract that is good, we will make them continue it. But the title companies do not like to do it. They always find something wrong with the other fellow's work; so they write up a new one.

GOVERNMENT HOLDINGS OF LAND

Mr. LUDLOW. I read somewhere that the Government owns about one-fifth of the total surface of the earth in the United States. Is that a correct statement?

Mr. LITTELL. I would like to verify that. There are approximately 2,000,000,000 acres, as I understand it, embraced in our territory. I do not know what proportion of that now is in the public domain. You would have to take that into consideration—how much is public domain. That is the big item.

Mr. LUDLOW. Is it your thought that after the emergency is over, if and when we settle down to a condition of peace—which I hope will happen soon—that these vast reserves that we acquire will be held as Government property?

Mr. LITTELL. That is a policy which would be determined right here in Congress. I would be willing to hazard a guess that Congress would never tolerate the retention of those areas. Why should we need them in peacetime?

CAMP ATTERBURY, IND.

Mr. LUDLOW. Take Camp Atterbury, Ind. There they took the very heart of a splendid agricultural section of Indiana and put it into a military camp.

Mr. LITTELL. I know that.

Mr. LUDLOW. Why should they do that when they could have gone 20 or 30 miles on either side and could have gotten nonproductive agricultural lands? But they take that land that raises the prize corn, and all that, and put it into an Army camp. Will that forever be an Army camp?

Mr. LITTELL. I did not shape the policy, but I did what I could in my small, humble capacity on that front as far back as 1940, and I begged, through the legal advisers on land acquisition, that they select nonagricultural land.

(Off the record.)

VOLUME OF CASES PENDING

The CHAIRMAN. Is there anything further, gentlemen?

Mr. TABER. The statement on page 14 of your justification to the Budget indicates that you had about 6,000 or 7,000 cases.

Mr. LITTELL. This other statement indicates that.

Mr. TABER. You can't tell so much about that, unless it indicates that you have been running behind a little worse for the last 6 months.

Mr. LITTELL. Exhibit E is only for 4 months.

Mr. RABAUT. And the one on page 14 is for 9 months.

Mr. LITTELL. Yes.

Mr. TABER. But this runs down a month later than the other one. Does this general picture indicate that you are running behind?

Does it indicate that you are running behind more now than you were to start with, or does it indicate that you are catching up?

Mr. LITTELL. Let me put it in this way: We are closing faster now than they were closed, but it is not fast enough.

Mr. TABER. Are you closing as fast as they are coming in to you?

Mr. LITTELL. Certainly not. We have not been since the outbreak of the war. We could not possibly do it.

Mr. TABER. The table on page 14 indicates that in the first 9 months of 1943—and I suppose that is the fiscal year—you practically closed as many cases as you received, that is, within a few.

Mr. LITTELL. Yes; we did.

Mr. TABER. But for the months from January to May you seem to have taken in twice as many cases as you closed.

Mr. RABAUT. But it does not show what he had on hand. It does not show the inventory. That is what we have to have.

Mr. TABER. It shows how many cases were on hand.

Mr. LITTELL. No, sir.

Mr. TABER. And, I gather, 6,000 or 7,000 cases.

Mr. LITTELL. Seven thousand condemnation cases, as I remember it, were pending March 31, 1943, embracing about 70,000 tracts.

Mr. TABER. On this table of cases received in the first 4 months you have 1,500 as against 24,900 received in the first 9 months, indicating that they are not coming in as fast as they were the first half of the fiscal year.

Mr. RABAUT. You should turn to page 16 of the Budget justification for your information.

Mr. TABER. Is that different?

Mr. RABAUT. On page 16 it gives court cases (other than condemnation), condemnation cases, by tracts, and title tracts, and it shows cases pending. That shows the increase in percentage.

In the second column the increase in 1943 over 1942 on all of the different groups.

Mr. TABER. But that does not show the number of cases right along.

Mr. WILLIAMS. Yes; it shows the number of cases pending.

Mr. TABER. Where?

Mr. LITTELL. Work pending in the Division.

Mr. RABAUT. It shows the increase in percentage and the increase in number.

Mr. TABER. My information is that these departments are away, away beyond the peak of their takings; perhaps I am wrong on that, and that there is not much more that they are contemplating taking.

That is what I have been told; but perhaps I am wrong. Does it take a good while from the time they begin to operate before these cases are registered on your books?

Mr. LITTELL. They are registered immediately upon receipt of a request to take action, but it takes quite some time. I might explain that situation. Up to the outbreak of the war we were taking under declarations, which described the tracts, with a rough appraisal of the property and some of the title evidence. Now, under the War Powers Act in time of war we do not have any of that. They just say to us that they are going to take this table top for the airfield; and they would send us the four corners of the thing.

There is one taking of 218,000 acres in Kansas, in Cowley, Stott, Lane, and Logan Counties, which was received in the Department in April 30, 1943, filed May 4, 1943.

Mr. TABER. In the western part of Kansas?

Mr. LITTELL. In the poor part of Kansas.

Mr. TABER. With not so many owners?

Mr. LITTELL. Not so many to be dispossessed.

Mr. RABAUT. Now, suppose you did not have a new request from the Army or the Navy, or for any new property at all; how long would your office be busy taking care of the work that you have before you now? And I mean going at the capacity at which you are going today?

Mr. LITTELL. I am afraid to say, but it is at least all of the next fiscal year.

AMOUNT ESTIMATED AND ALLOWED IN FIRST DEFICIENCY APPROPRIATION
BILL FOR 1943

Mr. TABER. I judge the same thing from the testimony that you gave when you were before us here, when we went into great detail about all of this matter. Now, how much did you ask for when you were up before?

Mr. WILLIAMS. For this fiscal year?

Mr. LITTELL. We originally asked for \$1,000,000 total, and we were cut \$250,000.

Mr. TABER. Did you ask for \$1,000,000 before this committee?

Mr. LITTELL. For a million dollars, and we got \$750,000.

Mr. TABER. You got \$750,000?

Mr. LITTELL. Yes, sir.

Mr. TABER. How much is this request?

Mr. LITTELL. \$280,000; a little more. We are closer and we can estimate more accurately.

Mr. TABER. It is actually above what you asked for in the beginning?

Mr. LITTELL. Yes. For example, when we asked for it we had no data on title evidence that we were buying. Since then we have been able to gather from the War Department and the Navy and from others an estimate of what our liabilities will be. We have these arrangements with them. When we take over the cases by declaration of taking we take over their liability for title evidence. It is an administrative cooperative arrangement. Nobody knew what that would be. Here is the estimate, \$416,000, almost a half-million

dollars, that I got from the War Department alone. That's not all. That is for the War Department.

Mr. RABAUT. That is for the War Department?

Mr. LITTELL. Yes, sir.

Mr. RABAUT. Do you have the same staff that you had before or do you have a new staff? I do not mean one particular person, but is your staff about the same as it was when you were here before?

Mr. LITTELL. About the same, because I have released every man I could possibly release, but I know I have to have men in the State of Washington, for instance, and I am putting on more in Quantico, Va., where we have endless title troubles.

CASES PENDING AS OF MARCH 31, 1941, 1942, AND 1943

Mr. RABAUT. I want to turn to page 16 that we were talking about before. Here are your court cases. Your court cases here have gone up for the first 9 months of these years, taking the corresponding periods in the years 1941, 1942, and 1943. In 1941 you had 1,032.

Mr. LITTELL. Yes, sir.

Mr. RABAUT. You had in 1942, 1,319, and in 1943 you had 2,016.

Mr. LITTELL. Yes, sir.

Mr. RABAUT. And there is a greater increase in condemnation cases, by tracts, from 1941 from 16,646 to 70,595 in 1943. In the title tracts it has gone up from 3,537 to 8,588. The increase in number of cases refers to property, doesn't it?

Mr. LITTELL. Yes, sir.

Mr. RABAUT. The number of cases?

Mr. LITTELL. Yes, sir.

Mr. RABAUT. Then, the percent is set forth here, and that shows a tremendous increase.

Mr. LITTELL. You understand the reason we do not give you the number of cases? We give the condemnation cases by tracts, and here is an illustration of it. This might be one case. This table top might be one case but 900 tracts. That is our measure of work.

Mr. RABAUT. I am just trying to visualize for myself what the amount of work is. This is the sort of job that just multiplies itself in front of you. When you get through after taking a certain piece of property you have all of these individual people with whom to deal. I know a little about real estate. That is something I do know something about.

Mr. LITTELL. I remember that you do. It is very useful, because you know that fact. That is one of the most important facts in our court work.

MONEY DEPOSITED IN COURT

Mr. RABAUT. I notice from page 12 that you have \$110,000,000 deposited in court.

Mr. LITTELL. Yes; that is approximately correct.

Mr. RABAUT. Of course, the sooner that gets into the hands of the people to whom it is going, the better for the Government? Is that right?

Mr. LITTELL. That is right; and the better for the people.

Mr. RABAUT. Do you have to pay interest from the time that it is deposited in court?

Mr. LITTELL. No, sir; there is no interest.

Mr. RABAUT. But before?

Mr. LITTELL. Yes.

Mr. RABAUT. That shows an alertment there to have the money in court?

Mr. LITTELL. Yes, sir.

Mr. RABAUT. Then, because of the inability of your group to get the money thus far we have to pay interest on that money?

Mr. LITTELL. You do.

Mr. RABAUT. That is where I think we can effect a saving. That is why I asked the question. If you did not have any new work you would be over a year before you would get out of work?

Mr. LITTELL. Yes, sir.

Mr. RABAUT. This is a program, as I see it, that takes a terrific upbuilding at the present time.

Mr. LITTELL. That is the point, Mr. Rabaut.

Mr. RABAUT. And it will taper off again when you get through with this tremendous job?

Mr. LITTELL. That is right.

WORK PENDING IN LANDS DIVISION AS OF APRIL 30, EACH FISCAL YEAR

Mr. TABER. Now, can you tell me about how many of these items are hanging at the moment, cases that are pending? What do you mean by "cases"?

Mr. LITTELL. Will you look at page 16, please?

Mr. TABER. Well, I don't know what I am looking at. I had in mind a lot of set-ups, but I don't understand them.

Mr. LITTELL. Look at page 16, if I might suggest it. That is exhibit 4.

Mr. TABER. What do you mean by "cases"? Do you mean a tract?

Mr. LITTELL. In the top item, entitled "Court cases, other than condemnation," that is a separate case. We handle all of the litigation of the Government in respect of lands anywhere, and all Indian cases.

Mr. TABER. What would be those "Court cases (other than condemnation)"?

Mr. LITTELL. We won one last month. The Sioux Tribe of Indians claimed between eight and nine million dollars against the Government for amounts alleged to have been within the Treaty of the Black Hills of South Dakota. We had been trying that case for several years. Last month we had certiorari denied by the Supreme Court. We had about 600 public lands and related cases involving water rights in the West, fire damage and trespass cases, for destruction of timber on Government property, power site cases, and some 1,300, as I remember it, are Indian cases. All of the Indian litigation passes through our office. That item is measured by separate cases.

The next item is not measured by separate cases, because while we have 7,100 and some odd condemnation cases pending, that embraces 70,595 tracts, in your first column there.

Mr. TABER. You mean one condemnation covers a multitude of tracts there?

Mr. LITTELL. That is right. That might cover your house, or your neighbor's house, the next house.

Mr. TABER. That is 70,000 cases. That would be the total number of tracts involved?

Mr. LITTELL. Yes.

Mr. TABER. There might be 10 or 15 or 20 tracts in 1 case?

Mr. LITTELL. That is it exactly.

Mr. TABER. The number of title tracts involved would average about what per case?

Mr. LITTELL. Each is an individual case, because that involves our other evidence and the writing of the opinions of the Attorney General on the title where property is being acquired by direct purchase.

Mr. TABER. That is what you told us a little while ago that is 90 percent of the stuff.

Mr. LITTELL. What I tried to convey—and I am afraid the subject is very confused—was that direct-purchase cases closed by agreement with property owners, plus cases which we settle without litigating in court—because we settle a bunch of them, too—amounts to about 90 percent of the total.

Mr. TABER. But in those cases you have to have title information from somebody?

Mr. LITTELL. Under the law.

Mr. TABER. But somebody employed by the Government?

Mr. LITTELL. Yes.

Mr. TABER. Whether it is in your office or in the district attorney's office, I don't know.

Mr. LITTELL. It is in my office. It is the Attorney General who does that by law.

Mr. TABER. You mean that he does it in the Washington office?

Mr. LITTELL. He has to approve the title in the Washington office.

Mr. TABER. Is it released down in the district attorney's office and sent to you, that is, the detailed work in connection with it?

Mr. LITTELL. The detailed work all comes to us. It is not done in the district attorney's office. They prepare the abstract of title, or whatever the evidence of title is, and submit it to the Attorney General for approval.

Mr. TABER. And the Attorney General goes over it in the Washington office?

Mr. LITTELL. And that is this volume that is pending here.

Mr. TABER. That is the 8,500 title tracts?

Mr. LITTELL. Yes, sir.

PENDING CONDEMNATION CASES

Mr. TABER. The condemnation cases that are pending are out in the field under the jurisdiction of the district attorneys?

Mr. LITTELL. District attorneys and our special attorneys.

Mr. TABER. Generally it is the district attorney, is it not?

Mr. LITTELL. Wherever it is possible to handle the work, we would prefer to have it there; but in some cases the volume has been so great that he cannot handle it.

Mr. TABER. How many of these title tracts have you passed upon in the course, let us say, of 4 months? You have closed 7,688 tracts in

the first 4 months. How many attorneys do you have operating on that particular job?

Mr. LITTELL. On the titles alone or on the condemnation and title?

Mr. TABER. I don't know. I would rather assume that the title work would be handled by one group and the condemnation by another.

Mr. LITTELL. You are quite right.

Mr. TABER. I would expect that. If it is done efficiently, that is the way it would have to be done.

Mr. LITTELL. You are right. That is how it is done.

Mr. TABER. That is why I was asking the question.

NUMBER OF DEPARTMENTAL AND FIELD PERSONNEL

Mr. LITTELL. As of April 30 our personnel was as follows: Attorneys at seat of government, 113; clerical, 159; or 272 at the seat of government.

In the field: 260 attorneys and 391 clerical; a total of 651.

That makes, in total, 373 attorneys and 550 clerical, a total of 923.

This does not include 30 employees who are temporary and 11 personnel recommendations now pending for appointment in the office of the Attorney General.

HIRE OF PART-TIME ATTORNEYS

Mr. LUDLOW. Do you hire any lawyers on a part-time basis?

Mr. LITTELL. Where necessity dictates. If I can get a lawyer in a community, where he is so involved in private practice he will not give us his full time, I have to take what I can get in this day of man shortage.

DUTIES OF FIELD PERSONNEL

Mr. TABER. As to those in the field, are they doing condemnation work, or what?

Mr. LITTELL. Almost entirely. There are a few of them who are on other work. I have two men in Denver in the litigation over the Platte River; I have four men in Los Angeles on the Kettleman Hills oil royalty case, involving several million dollars.

Mr. TABER. As to these men in Washington doing the title work, how many of the 113 lawyers are doing title work?

Mr. LITTELL. I regret to say that I did not bring the break-down of each section.

Mr. TABER. But you can tell pretty closely, can you not?

Mr. LITTELL. Yes.

Mr. TABER. Give us your best recollection.

Mr. LITTELL. I would say 33.

Mr. TABER. Only 33.

Mr. LITTELL. Yes for direct purchase work. We are doing a tremendous amount of work there.

Mr. TABER. Is that fairly current?

Mr. LITTELL. That is current; yes, sir. We are beating the game in title work. That is beginning to decline a little bit. The reason for it is that these new big areas embraced in War Powers Act are

being referred to us for liquidation and condemnation proceedings. The direct purchase business is gradually lessening a little bit, except the big areas.

Mr. TABER. Why do you need such an enormous force in the field in connection with this? Are these men doing the trial work themselves?

Mr. LITTELL. Oh, yes; they do the trial work, the preparatory work, they work out the details with all these people, they have to study what is wrong with the title, why these people cannot get their money, make suggestions to them on affidavits so that they can get it, for instance, showing that John Doe was the only child of the testator, in order to cure the defects in the title.

We do not have nearly enough men in the field. The War Department and the Navy Department complain because we do not have. (Off the record.)

Mr. TABER. In this set-up that you have given here you have given us the number of people involved. Does it represent an increase in number of personnel above what you currently have?

Mr. LITTELL. No, sir. We are holding the ground. In fact, we are under that mandate that Congress imposed upon the Bureau of the Budget to see that the personnel was limited to a minimum level; and they fixed us at 942. And until we are released from that, I intend to operate under it, even though I can't.

Our big items are not only personnel. Our personnel is worked to the bone. It is a shame what we ask of these people in some places. Other big items are the expert services and title evidence. And that is where you hold the line. We save millions to the Government by expert services.

NATURE OF BILL PENDING WITH CLAIM OF INTEREST IN PROPERTY

We cannot save anything on title work, unless you pass a bill that I have written, which has been pending in Congress for some time. Senator Byrd has introduced it in the Senate and Mr. Kefauver has introduced it in the House. That is the only way in which to lick this last problem.

Mr. TABER. What do you do by it?

Mr. LITTELL. That bill provides that when we take this table top, for example, we serve notice on everybody in possession. We post a notice on every property; we advertise in a newspaper once a week for 2 weeks; and after 20 days from the last formal notice everyone who does not appear to claim an interest in the property is bound by the action taken by the court.

That does not mean that he cannot recover from a man who wrongfully gets a disbursal from the court, but it means that any court can then proceed to pay out the money. It permits us to clear up a thousand-and-one minor title defects, which constitute, chiefly, the defects in title, which prevent us from recommending to the court or prevents the court from deciding to pay out the money because of some title defect.

Take the situation at Quantico, Va., and the colored families down there. Some haven't had any title evidence in their families for three

generations. All of the rest of the sons and daughters of a very prolific family went elsewhere; but we can't prove it, and the judge will not act upon it. But this would permit us to publish notices in the paper and say to the people interested in the property: "Come and get it and claim your interests." If they do not come, we can pay if to the man who is before the court.

Mr. RABAUT. Would the expedition in such cases be of such value that it would make up for the losses that might take place?

Mr. LITTELL. I haven't the slightest doubt of it. I don't think you would suffer.

Mr. LUDLOW. Suppose you paid it to the wrong person and that person spent the money and could not pay it back?

Mr. LITTELL. I have a provision in there.

Mr. TABER. Of course, that is out of our jurisdiction.

TRAVELING EXPENSES

The CHAIRMAN. I want to ask about the travel expense. You have several thousand dollars for travel expense.

Mr. RABAUT. How much is that?

Mr. TABER. \$70,000.

The CHAIRMAN. I see you state in your justification that it is due to the expanded activities in the Lands Division. Were these activities unforeseen at the time the appropriation was made?

Mr. LITTELL. They were not measurable very accurately. This travel work is a very great deal of the Government's work. That was prepared in 1941. That is the real explanation.

The CHAIRMAN. For 1942, \$135,000; up to March 31, 1943, \$120,000; and for the balance of the fiscal year, \$29,180. That would be a total for 1943 of \$150,000; and you had available \$86,600. That gives you a deficit of \$60,000? Is that right?

Mr. LITTELL. That is right, sir.

The CHAIRMAN. Will you explain this travel matter?

Mr. WILLIAMS. We estimate that we need \$63,400.

The CHAIRMAN. Upon what do you base that estimate?

Mr. WILLIAMS. Upon our present rate of travel, based upon our experience this year.

Mr. TABER. You are going to travel a great deal more in the last quarter than in the first quarter?

Mr. WILLIAMS. Not necessarily. It should run about the same.

Mr. TABER. Then, it should not be so much as that. It should be \$40,000 for the last.

Mr. WILLIAMS. All we want is \$29,000 for the last quarter.

Mr. LITTELL. We are overobligated, you see.

The CHAIRMAN. Is there anything further?

Mr. LITTELL. That is the life-blood of our work—that item. We always have to move. The projects are big. We either have to have twice the personnel or the travel money.

SATURDAY, MAY 8, 1943.

TRAVEL EXPENSE, DEPARTMENT OF JUSTICE

STATEMENTS OF S. A. ANDRETTA, ASSISTANT ADMINISTRATIVE ASSISTANT, AND E. R. BUTTS, GENERAL AGENT

The CHAIRMAN. Mr. Andretta, tell us something about this deficiency for traveling expense that is shown in House Document No. 193.

Mr. ANDRETTA. I offer for the record the following statement:

Traveling expenses, Department of Justice

By projects or functions	Expenditures, fiscal year 1942	Obligations, Mar. 31, 1943, fiscal year 1943	Requirements for balance fiscal year 1943	Total, fiscal year 1943	Available, fiscal year 1943	Deficit or balance
1. General departmental	\$5,684	\$3,109	\$2,491	\$5,600	\$10,600	+\$5,000
2. Customs Division	6,839	2,677	2,323	5,000	6,700	+1,700
3. Bond and spirits	1,213	362	138	500	3,000	+2,500
4. Claims Division	20,580	19,879	6,221	26,100	26,100	-----
5. Lands Division	135,114	120,820	29,180	150,000	86,600	-63,400
6. Examination of judicial offices	34,157	23,325	6,975	30,300	30,300	-----
7. Bureau of Prisons	50,399	33,902	12,098	46,000	50,800	+4,800
8. Veterans' insurance litigation	13,838	9,237	3,763	13,000	15,000	+2,000
9. District attorneys	160,540	126,318	43,682	170,000	150,000	-20,000
10. Special attorneys	4,320	3,388	112	3,500	2,700	-800
11. Miscellaneous, field	9,839	9,681	919	10,600	10,600	-----
12. Tax Division	39,855	29,918	10,082	40,000	41,500	+1,500
13. Criminal Division	27,622	34,623	9,177	43,800	40,500	-3,300
Total obligations	510,000	417,239	127,161	544,400	474,400	-70,000

Traveling expenses, Department of Justice—Justification of estimate

We shall need a supplemental appropriation of \$70,000 for traveling expenses this year, making a total of \$544,400 as against the \$474,400 presently available.

In 1942 we expended \$510,000, any savings which accrued in the other allotments having been used up in carrying the Lands Division through for the year. Despite the increased activities of the Department only \$490,000 was appropriated for this year, of which \$15,000 was returned to the Treasury under the Senate amendment to the appropriation bill, leaving \$474,400 for the present year.

The cut in travel for this year went too deep in the face of the Department's activities due to the war. In addition to increased work and personnel there has been a considerable increase in the cost of travel itself due to greater use of the railroad because of the restrictions on the use of automobiles and the increase in the per diem allowances.

Of the supplemental amount required, \$63,400 is for the Lands Division alone. Last year this Division spent \$135,114 for travel. They estimate that they will need \$150,000 at the present rate for this fiscal year as against an allotment of \$86,600.

On April 20, 1943, the Lands Division had 659 employees in the field, 237 more than were provided for in the original appropriation for salaries and expenses: 246 of these employees are authorized to travel. During the first 9 months of the present fiscal year the Division handled a larger volume of work than during any similar period in its history. On March 31, 1943, 70,590 tracts of land were pending in condemnation, involving approximately 20,000,000 acres—a tremendous task, inasmuch as each condemnation tract is, in effect, a separate law suit requiring individual attention, negotiation with the owner, trial, etc.

To handle litigation incident to protecting Government-owned land, and in acquiring by purchase and condemnation additional land necessary for the success and prosecution of the war, it is essential that members of the staff travel (1) to the sites, to become familiar with the location, description, and improvements thereon; (2) to the purported owners, to obtain affidavits of heirship, identity, etc., quitclaim deeds, and similar documents to expedite payment of property owners; (3) to State, county, and municipal offices to obtain descriptions, examine records, file various legal instruments required by law, pay taxes, judgments, and other liens, etc., and consummate direct purchase transactions; (4) to Federal courts for the purpose of filing and trying cases and to assist the court in the distribution of awards; (5) to the field offices of the various acquiring agencies; (6) to obtain and confer with witnesses, appraisers, commissioners, etc., in determining values and preparing for trial; and (7) to coordinate the work of the field force generally.

It was impossible to operate within the original allotment in view of the large increase in personnel, incoming work, work pending, and work to be referred to the Division. It would be disastrous to eliminate necessary travel under the present conditions, and it is, therefore, necessary that additional funds to cover traveling expenses be allowed.

The district attorneys will need \$20,000 more. At the present time there is \$150,000 available, and it is anticipated that \$170,000 will be expended at the present rate. You will note that \$160,590 was expended last year. The district attorneys' travel is uncontrollable for the most part, and their activities have increased considerably due to the war. Some of the additional cost of district attorneys' travel is attributable to that in connection with hearings on alien enemies and conscientious objectors and for which no funds have been made available up to the present time.

The Criminal Division will be approximately \$3,300 short in travel funds in the present fiscal year. There have been a great many cases in which it has been necessary to send attorneys from Washington either because of the complexity or importance of the case or because they involved unusual wartime problems. In this connection there has been a great deal of travel relative to denaturalization and war-fraud cases and also cases having to do with sedition, sabotage, and other subversive activities. The former involves not only the travel of attorneys but of expert witnesses as well who must cover cases in practically all parts of the country.

Mr. ANDRETTA. Mr. Littell explained the largest increase in travel, which is \$63,400 for the Lands Division. The next is for district attorneys. We are running about \$20,000 short in their travel.

The CHAIRMAN. That seems to be the largest item.

Mr. ANDRETTA. It is. There is a small one for the Criminal Division of \$3,300. The district attorneys, you will notice, spent \$160,540 last year. This year we have an allotment of \$150,000.

The CHAIRMAN. How much do you have on hand?

Mr. ANDRETTA. As of April 30 our expenditures totaled \$304,884, but our encumbrances were \$467,702.

You see our vouchers and the liquidations do not come in for a month or two afterward and there is always a lag.

The CHAIRMAN. You estimate this amount will run you to the end of the fiscal year?

Mr. ANDRETTA. Yes; Mr. Chairman. I would like to point out, as to the district attorneys' travel, that for the most part that is travel within their own districts without any control on our part or authority from us.

The CHAIRMAN. When their vouchers come in you have to pay them?

Mr. ANDRETTA. Yes, sir.

The CHAIRMAN. Isn't that largely true of this \$205,000 for salaries and expenses?

Mr. ANDRETTA. District attorneys' expense?

The CHAIRMAN. Yes.

Mr. RABAUT. On that travel allowance we cut you \$35,000, didn't we? Your full travel was \$490,000, or your request?

Mr. ANDRETTA. No, sir. It was \$525,000.

Mr. RABAUT. We cut you \$35,000, and that brought it down to \$490,000?

Mr. ANDRETTA. That is right.

Mr. RABAUT. Then you had an additional cut of about \$15,600, did you not?

Mr. ANDRETTA. Yes, sir. The Senate amendment to the act required us to deposit a certain amount of money in the Treasury from travel funds.

SALARIES AND EXPENSES OF DISTRICT ATTORNEYS

The CHAIRMAN. We will take up next the item for salaries and expenses of district attorneys, which also appears in House Document No. 193.

Mr. ANDRETTA. I offer for the record the following justification for this estimate:

SALARIES AND EXPENSES OF DISTRICT ATTORNEYS—JUSTIFICATION OF ESTIMATE

We are requesting a supplemental estimate of \$205,000 for district attorneys, which will make a total for this present fiscal year of \$3,470,000. The House has approved \$3,845,000 for 1944. In view of the large savings of funds that we had in this appropriation in 1941 and 1942, we received an appropriation for this year of exactly what we spent in 1942, namely, \$3,265,000. Of course, when this estimate was considered by the Bureau of the Budget there was no idea that there would be an outbreak of hostilities.

The war has made a considerable difference in the work of these offices in addition to the regular everyday work. There has been a tremendous increase in selective-service violations and enemy-alien matters, also in denaturalization cases. Cases involving lands matters, war frauds, subversive activities, sabotage, etc., together with the tremendous growth of the Federal Bureau of Investigation, have all had their effect on these offices. Even though the Lands Division has a staff in many districts the work is nevertheless under the supervision of the United States attorneys, and they and their regular assistants give considerable time and effort to this work.

The appropriation for this year provides for the employment of 1,092 persons. We have at the present time 1,231 persons. We have had as high as 1,266 persons, which is an excess of 174 over the allowance for this year. The annual cost of this additional personnel is approximately \$353,550. However, in view of the fact that this number has dropped off slightly and with the large fluctuation and turn-over in personnel due to the draft and other war conditions, we find that we can get along with an additional sum for personal services of \$171,830.

Communications services.—Additional sum required, \$35,600. We have an allotment of \$103,600 for communications. Last year due to the outbreak of hostilities and the impact of the war we expended \$122,218. There has been a steady increase in the use of these facilities because of the increased activities in the offices and the important matters that are breaking due to the war. Our expenditure for this service will run about 10 to 12 percent over last year.

Incidentally, with respect to communications, telegrams formerly cost us 40 percent of the commercial rate. Two or three years ago this cost was raised to 60 percent of the commercial rate, a 50 percent increase to us. Effective February 1, 1943, the rate was changed to 80 percent of the commercial rate which means that we are now paying 100 percent over the original rate we were paying a few years ago. In view of the fact that the mail is not dependable to our offices outside the continental limits, particularly Alaska, we must resort more and more to the use of telegraphic communications.

These factors together with the increase in work all contribute to the additional cost in the operation of the various district attorneys' offices.

Salaries and expenses of district attorneys, etc., Department of Justice, by projects or functions

	Expenditures, fiscal year 1942	Obligations Mar. 31, 1943, fiscal year 1943	Requirements for balance, fiscal year 1943	Total, fiscal year 1943	Available, fiscal year 1943	Deficit or balance
PERSONAL SERVICES						
Personal services, field.....	\$3, 138, 921	\$2, 466, 752	\$854, 879	\$3, 321, 631	\$3, 148, 550	—\$173, 081
Cash allow, for quarters, heat, light, etc.....	1, 356	-----	-----	-----	2, 250	+2, 250
01 Personal services (net).....	3, 140, 277	2, 466, 752	854, 879	3, 321, 631	3, 150, 800	—170, 831
OTHER OBLIGATIONS						
03 Transportation of things.....	2, 522	516	484	1, 000	1, 500	+500
04 Communication services.....	122, 218	104, 400	34, 800	139, 200	103, 600	—35, 600
05 Rents and utility services.....	685	645	180	825	200	—625
07 Other contractual services.....	2, 706	3, 898	1, 746	5, 644	3, 100	—2, 544
08 Supplies and materials.....	289	153	347	500	1, 100	+600
09 Equipment.....	954	442	758	1, 200	4, 700	+3, 500
Total other obligations.....	129, 374	110, 054	38, 315	148, 369	114, 200	—34, 169
Total obligations.....	3, 269, 651	2, 576, 806	893, 194	3, 470, 000	3, 265, 000	—205, 000

Mr. ANDRETTA. You will remember that about 2 years ago we came in to get a deficiency in anticipation of the present emergency, but we did not anticipate hostilities at that time. We wanted more money for certain activities that we knew would result from the Federal Bureau of Investigation and the Immigration Services expanded work.

Although we received that deficiency from you gentlemen, we did not spend it. We had a balance that year of \$168,250.

In 1942 we had an increased appropriation to take care of the urgent matters, but we still saved \$51,000. For this year we have an appropriation of exactly the same amount of money that we spent in 1942; namely, \$3,265,000.

There is nothing in the appropriation to take care of the work that devolved upon these districts because of the war. Since the outbreak of the war the United States attorneys offices have been swamped with work under the Selective Service Act, and in connection with hearings on conscientious objectors and alien enemies. In addition they have all of the cases arising out of the war emergency such as subversive activities, sabotage and sedition cases, and denaturalization cases.

They are also taking a considerable part in many of the land matters in districts where they do not have attorneys from the Lands Division.

Mr. TABER. It is practically for additional personal services?

Mr. ANDRETTA. Yes, sir. About \$170,000 is for personal services.

Mr. TABER. Why do you need the additional help beyond what you had?

Mr. ANDRETTA. Mr. Taber, we were allowed 1,092 people, whereas we now have 1,231. The minute the war broke out, heavy work fell on the United States attorneys' offices, particularly in connection with the immediate control of alien enemies. In addition to those seized for internment, they had to pass upon every request of an alien enemy to travel. In addition to the legal problems, it created a tremendous amount of clerical work. Most of those who were put on the roll were clerical personnel for some of the larger districts.

There are a few districts where we had to put on a few extra assistants in order to take care of this great increase in work.

SALARIES AND EXPENSES OF MARSHALS

The CHAIRMAN. We will take up next the item for salaries and expenses of marshals.

Mr. ANDRETTA. I would like to point out as to the marshals that we have saved considerable money in this appropriation the last 2 years. In 1941 we saved over \$250,000, and in 1942 our balance was about \$345,000. In view of those savings, we were cut \$327,000 for this year. But that was because there was no anticipation of war at the time the estimate was prepared.

The CHAIRMAN. You have operated on a very economical basis?

Mr. ANDRETTA. Yes, sir. We are saving money under the personnel allotment for marshals. But the big deficit is in the travel item, which is not controllable. They have to serve process; they have to transport prisoners; they have to get around in the districts and execute the orders of the court.

The CHAIRMAN. \$316,073 is the increase for travel?

Mr. ANDRETTA. Yes, sir. I offer the following justification:

SALARIES AND EXPENSES OF MARSHALS, ETC., DEPARTMENT OF JUSTICE—JUSTIFICATION OF ESTIMATE

A supplemental appropriation of \$375,000 is requested for the present fiscal year, which will make a total of \$3,825,000 available for expenditure. The appropriation bill for 1944, as it passed the House, carries the sum of \$3,883,000 for marshals. You will note that in 1942 we expended \$3,824,776, having a saving of some \$325,000.

The deficit this year is due chiefly to travel and other uncontrollable expenditures. We lost \$95,000 out of the travel allotment by deposit in the Treasury under the Senate rider in the 1943 appropriation bill. We have an unexpended balance under the allotment for personal services but it is more than offset by the cost of paying for overtime services thus making a net deficit of \$37,000 for personal services.

02 Travel expenses.—We have available \$895,000 and will need approximately \$316,073 more to see us through the year. Last year we spent \$1,168,619 for travel under this appropriation and for the first 9 months of this year we are running 5.1 percent over last year. The travel of marshals for the most part is uncontrollable and affected by the amount of process to be served and the number of prisoners to be delivered. The war has had a considerable effect on the work of these offices as it has on the district attorneys. Another element has been the increased cost of travel. The marshals must of necessity still use their automobiles at some increase in cost this year, since the Congress raised the amount from 3 to 4 cents a mile for the use of privately owned automobiles when traveling within the limits of their official stations. Furthermore, there has been an increase in per diems over last year of approximately 20 percent.

04 Communications services.—We have \$75,000 available for this expenditure as against an expenditure of \$81,618 last year. In view of the large increase in business and activities of these offices it is only natural that communications expenses would increase proportionately.

07 Other contractual services.—A contributory factor to the increased expenditure under this allotment is that the United States marshals are charged with the handling and storage of the property of alien enemies, all of which expense comes out of this appropriation. At the present time we have 79,832 articles in storage which were deposited by alien enemies. Furthermore, the tremendous land acquisition program of the Department has had a very direct effect on the marshals' offices, particularly since they have been literally swamped in certain areas of the country with the amount of process to be served.

Salaries and expenses of marshals, etc., Department of Justice

By projects or functions	Expenditures, fiscal year 1942	Obligations as of Mar. 31, 1943, fiscal year 1943	Requirements for balance, fiscal year 1943	Total, fiscal year 1943	Available, fiscal year 1943	Decrease or balance
01 Personal services (net).....	\$2,526,646	\$1,980,451	\$763,049	\$2,743,500	\$2,706,500	-\$37,000
OTHER OBLIGATIONS						
02 Travel.....	1,168,619	890,124	320,949	1,211,073	895,000	-316,073
03 Transportation of things.....	8,876	5,038	4,312	9,350	5,500	-3,850
04 Communication services.....	81,618	67,500	17,500	85,000	75,000	-10,000
05 Rents and utility services.....	2,088	162	338	500	2,500	+2,000
07 Other contractual services.....	27,540	29,681	12,396	42,077	30,000	-12,077
08 Supplies and materials.....	6,035	5,216	1,284	6,500	8,000	+1,500
09 Equipment.....	3,354	1,663	337	2,000	2,500	+500
Total other obligations.....	1,298,130	999,384	357,116	1,356,500	1,018,500	-338,000
Total obligations.....	3,824,776	2,979,835	1,120,165	4,100,000	3,725,000	-375,000

PAY AND EXPENSES OF BAILIFFS

The CHAIRMAN. Please explain the next item of \$10,000 for pay and expenses of bailiffs.

Mr. ANDRETTA. That is an uncontrollable appropriation. The judges are entitled to a maximum of three bailiffs in each court. Every year we come back for a supplemental, because there is no way to gage what the expenditures will be. We just go along and see what our experience is for 9 or 10 months.

Mr. RABAUT. They only work the days the judges are there, and if the judge is away, he gets no pay.

Mr. ANDRETTA. That is right. The following justification is offered for the record.

PAY AND EXPENSES OF BAILIFFS, DEPARTMENT OF JUSTICE—JUSTIFICATION OF ESTIMATE

We shall need at least \$10,000 for the balance of the year to cover the expenditure for bailiffs, making a total of \$315,000, approximately \$11,000 less than was expended last year. In view of the fact that expenditures from this appropriation are uncontrollable, we incur a deficiency practically every year.

By projects or functions	Expenditures, fiscal year 1942	Obligations Mar. 31, 1943 fiscal year 1943	Requirements for balance fiscal year 1943	Total, fiscal year 1943	Available, fiscal year 1943	Deficit or balance
01 Per diem of bailiffs.....	\$321,958	\$221,324	\$90,176	\$311,500	\$300,000	-\$11,500
07 Other contractual services.....	3,983	1,672	1,828	3,500	5,000	+1,500
Total obligations.....	325,941	222,996	92,004	315,000	305,000	-10,000

FEES AND EXPENSES OF CONCILIATION COMMISSIONERS, UNITED STATES COURTS

The CHAIRMAN. Tell us about these two items of \$335.98 and \$0.88 for conciliation commissioners and probation system.

Mr. ANDRETTA. These two items cover claim settlements certified by the Comptroller General as chargeable to appropriations that are ex-

hausted, in accordance with General Accounting Office circular No. 21 of June 25, 1925, as follows:

For fees and expenses of conciliation commissioners, 1937-40

Certificate and claimant:		Amount
0707234	E. A. Tharp, Mineola, Tex.	\$25.00
0701709	John L. Caraventa, Concord, Calif.	25.00
0398836	Kenneth R. Derby, Norwalk, Ohio	25.00
0694813	A. Paul Johnson, Broken Bow, Nebr.	10.98
0716032	Samuel K. Brantley, Jr., Merced, Calif.	25.00
Transfer and counter warrant deficiency:		
No. 159, dated Jan. 13, 1943		¹ 200.00
No. 160, dated Jan. 13, 1943		¹ 25.00
Total		335.98

¹ Erroneously paid from "Fees of commissioners, United States courts, 1941."

PROBATION SYSTEM, UNITED STATES COURTS, 1939

Certificate and claimant:		Amount
T-192687	Illinois Central Railroad Co., Chicago, Ill.	\$0.88

The Department of Justice is submitting these items by reason of the fact that the obligations were incurred prior to the creation by the Congress of the Administrative Office, United States Courts. As you know, the fees of conciliation commissioners are not payable until the case has been adjudicated and final report has been filed. They have been approved by the General Accounting Office.

SATURDAY, MAY 8, 1943.

FEDERAL PRISON SYSTEM

STATEMENT OF JAMES V. BENNETT, DIRECTOR, FEDERAL PRISON SYSTEM

SUPPORT OF UNITED STATES PRISONERS

The CHAIRMAN. You are asking in House Document No. 193 for \$150,000 for support of United States prisoners. As you state here in your justification, it is uncontrollable; the amount is payable and must be paid. Will you give us a brief statement on that?

JUSTIFICATION OF ESTIMATE

Mr. BENNETT. I offer for the record the following justification:

SUPPORT OF UNITED STATES PRISONERS—JUSTIFICATION OF SUPPLEMENTAL ESTIMATE

In estimating requirements for additional funds in the appropriation "Support of United States prisoners" during the fiscal year 1943, we have used as a base the jail-days which obtained during the fiscal year 1942. We have also made comparison of the number of Federal prisoners in non-Federal institutions at the end of each month from July 1942 to January 1943 (the last month for which complete figures are available) with the same months of the preceding year. A statement of those comparative figures is given below:

	Fiscal year			Fiscal year	
	1942	1943		1942	1943
July.....	3,298	3,354	December.....	3,455	3,405
August.....	3,455	3,769	January.....	3,787	3,359
September.....	3,703	4,218			
October.....	3,792	3,921	Total.....	25,394	25,910
November.....	3,904	3,884			

Comparison of the foregoing figures indicates that the average number of Federal prisoners in non-Federal institutions during the first 7 months of fiscal year 1943 was 2.032 percent in excess of the same period of fiscal year 1942. Applying that percentage of increase to the total number of jail-days (1,421,077) for the fiscal year 1942, we arrive at an estimated total number of jail-days for the fiscal year 1943 of 1,449,953, which we have rounded out to 1,450,000.

The actual daily per capita cost for all expenditures other than personal services in the support of prisoners appropriation during each of the fiscal years 1940, 1941, and 1942 has been 87, 89.2, and 80.6 cents respectively and the appropriation for fiscal year 1944 was based on an estimated average daily per capita cost of 90 cents. In computing the estimated additional requirements we have assumed that 90 cents per jail-day would be sufficient to cover the cost and have, therefore, applied that rate against the 1,450,000 jail-days computed as above explained, and thus arrived at the total amount required. Against the latter amount we have applied the amount available for such expenses in the 1943 appropriation, excluding the item of salaries, as it was our understanding the additional funds required for other purposes should not be confused with the amounts required for salaries and overtime pay.

Support of United States prisoners

By projects or functions	Expenditures, fiscal year 1942	Obligations, Mar. 31, 1943, fiscal year 1943	Requirements for balance fiscal year 1943	Total, fiscal year 1943	Available, fiscal year 1943	Decrease or balance
01 Personal services (net).....	\$225,589	\$168,750	\$55,850	\$224,600	\$300,000	+\$75,400
Total other obligations.....	1,272,863	978,750	326,250	1,305,000	1,079,600	-225,400
Total obligations.....	1,498,452	1,147,500	382,100	1,529,600	1,379,600	-150,000

Mr. BENNETT. That is to pay for the board of United States prisoners in local institutions—that is, in local jails. It is uncontrollable, in the sense that we have to accept every prisoner who is sent to us and pay the amount which the local sheriff or jailer charges.

Our estimate was based upon the amount expended in 1942—namely, \$1,500,000—and we are estimating for this present fiscal year approximately the same amount—namely, \$1,530,000.

The CHAIRMAN. How do you account for the fact that it ran so far ahead of your anticipation?

Mr. BENNETT. It did not, sir. It ran very close to our original estimate. Our original estimate for this fiscal year was \$1,500,000. We were just \$30,000 in excess of our original estimate of \$1,500,000.

The CHAIRMAN. Then, you were cut?

Mr. BENNETT. Yes, sir.

The CHAIRMAN. What amount was it cut?

Mr. BENNETT. It was cut back to \$1,380,000.

The CHAIRMAN. Is that about the amount that you are asking us for here?

Mr. BENNETT. That is our original estimate.

The CHAIRMAN. Are there any questions?

Mr. LUDLOW. No questions.

Mr. RABAUT. I have no questions.

SATURDAY, MAY 8, 1943.

FEDERAL SECURITY AGENCY

PUBLIC HEALTH SERVICE

STATEMENTS OF R. L. HARLOW, BUDGET OFFICER; MISS PEARL McIVER, AND MISS MARY DUNN, PUBLIC HEALTH NURSING CONSULTANTS

MISCELLANEOUS AND CONTINGENT EXPENSES

TRANSPORTATION OF HOUSEHOLD EFFECTS OF OFFICERS DETAILED TO COAST-GUARD DUTY

The CHAIRMAN. We have before us, Mr. Harlow, an estimate in House Document No. 191 for a deficiency appropriation for the Public Health Service in two items. The first is as follows:

Miscellaneous and contingent expenses, Public Health Service: For an additional amount for "Miscellaneous and contingent expenses," fiscal year 1943, including the objects specified under this head in the Federal Security Agency Appropriation Act, 1943, \$31,000.

Taking up that first item, your 1943 appropriation was \$154,275 plus \$2,500 transferred, which totals \$156,775 for 1943. What is the occasion for this proposed increase of \$31,000?

Mr. HARLOW. Mr. Chairman, quite recently we were before your committee with a deficiency estimate for the operation of the marine hospitals of the Public Health Service, at which time we explained in considerable detail the additional number of medical and dental officers whom we have had to detail to the Coast Guard to do its medical work because of the great expansion in the Coast Guard during the current fiscal year.

It so happens that this appropriation is the one which bears the expense for the transportation of household goods of officers of the Public Health Service.

We have had to spend about \$22,250 for the movement of household goods for officers detailed to Coast Guard duty during the current fiscal year. Our normal expenditure for that item would be approximately nothing, because prior to the war the officers who went out on these cutters were only on short detail; most of them left their families where they were at the time they were detailed. Now the detail, you might say, is permanent, and the families want to be near where the men are based when they are on shore. So all of the families move up into the neighborhoods where the officers are on duty.

In addition to that particular item, Mr. Chairman, we have an item that we have never had before, and that is occasioned by the Pay Readjustment Act of June 16, 1942, which authorizes the transportation—

The CHAIRMAN. That is not included here, is it?

Mr. HARLOW. Yes, sir; it is.

The CHAIRMAN. I see. Proceed.

Mr. HARLOW. The Pay Adjustment Act authorizes the transportation of household effects of a commissioned officer from his home to his first duty station.

Heretofore, or prior to the passage of that act, it was necessary that the officer bear this expense himself. This expense amounts approximately to \$9,250 to the end of March 1943. Now we know from our contacts with the Coast Guard that there will be from April 1 to the end of the year approximately 56 additional officers to be transferred to the Coast Guard, most of whom will be newly commissioned.

So that the deficiency in this appropriation, Mr. Chairman, is attributable entirely to these two factors that I have mentioned, and will certainly be as much as we have asked here.

JUSTIFICATION OF ESTIMATE

The CHAIRMAN. You may put in the record your justification statement of this item.

(The matter referred to is as follows:)

MISCELLANEOUS AND CONTINGENT EXPENSES, PUBLIC HEALTH SERVICE, 1943, DEFICIENCY \$31,000

The deficiency in this appropriation is caused by extraordinary expenditures not contemplated when the budget for 1943 was submitted for the movement of personal effects of employees of the Public Health Service on permanent change of station. This increase in expenses is attributable to two principal reasons:

1. The Pay Readjustment Act of June 16, 1942 (Public, 697), authorizes for the first time the movement of household effects from home to first duty station of a newly commissioned regular officer or a Reserve officer called to active duty. This expense has amounted to approximately \$9,250 to the end of March 1943.

2. Because of the expansion of the Coast Guard it has been necessary to recruit a large number of Reserve officers for assignment to the Coast Guard and to assign additional Regular officers to that service. The expense for this item has amounted to approximately \$22,250 to March 31, 1943.

The movement of household effects of officers transferring between stations of the Public Health Service, which is the normal activity contemplated when the appropriation was granted, has amounted to approximately \$32,000 to March 31, 1943. The status of this appropriation as of March 31, 1943, is reflected in the following statement:

Miscellaneous and contingent expenses, 1943

MAR. 31, 1943

	Available	Obligated	Balance
Personal services.....	\$3,600	\$1,950	\$1,650
Transportation of household effects.....	42,500	60,340	-17,840
Stationery and other supplies.....	105,675	70,801	34,874
Reserve.....	5,000		5,000
Total.....	156,775	133,091	23,684
Deduct supply requisitions on order.....			7,800
Deduct travel orders in process.....			2,160
Net balance.....			13,724

¹ Includes \$2,500 transferred from Freedmen's Hospital for stationery.

MONTHLY OBLIGATIONS OF CURRENT APPROPRIATION AND ESTIMATED DEFICIENCY

The CHAIRMAN. Mr. Harlow, I notice that in the tabulation given following the justification of your estimate, that your obligated amounts are, for personal services, \$1,950; for the transportation of household effects, \$60,340; for stationery and other supplies, \$70,801, or a total of \$133,091.

Now, that is for 9 months, is it?

Mr. HARLOW. Yes, sir.

The CHAIRMAN. That means an average of \$14,788 per month. Now, if we project this average through the next 3 months, we find that it gives you an annual rate of \$177,455. According to those figures, that does not show so large a deficit and I am at a loss to know where you get this \$31,000 deficiency.

Mr. HARLOW. There is at least \$1,000 additional that is not reflected in the annual rate for personal services, Mr. Chairman. We have on the rolls of the Public Health Service between five and six thousand collaborating epidemiologists at \$1 a year. Those men gather morbidity statistics for us and they are given appointments so that they can use the frank. Their appointment calls for compensation at the rate of \$1 a year.

Based on our past experience, we know that approximately 1,000 of those will send us in a pay roll for \$1 each. That will add \$1,000 to the June obligations over and above the annual rate reflected in the personal service item.

In addition to that, as of March 31, we had travel orders issued to officers on which we had not yet been able to estimate the cost of the movement of their household effects. Since that time we have analyzed those orders and have arrived at a figure of \$2,160 which should be added to the March obligations.

We also had on March 31, \$7,800 worth of supply requisitions.

If you add the approximately \$9,900 to your annual rate and also the fact that the month of June will be the heaviest month on the transportation item because we have to take into that month's obligations all the railroad bills which apply to that movement of household goods in June, you will realize that the rate of expenditure to date is not a true indication of the total for the year.

Mr. SNYDER. Did I understand you to say that you moved them on their first trip? In other words, if a man lives in Rockville and he is assigned to Norfolk, you would pay his moving expenses?

Mr. HARLOW. Yes, sir.

Mr. SNYDER. After he was there 2 weeks, and then they decided to move him to New Orleans, who would bear the moving expense?

Mr. HARLOW. If the Coast Guard moved him, they would pay it. If we moved him, we would pay it.

The CHAIRMAN. Looking at this tabulation again, if you added in the \$7,800 and the \$2,160, that still would not check out with the \$31,000 deficit.

I take for granted that the real explanation is that in these recent months you have had heavier charges against your accounts than you had in the previous months, so that you cannot take an average month for the year and work on that basis; is that true?

Mr. HARLOW. That may be true, Mr. Chairman.

The CHAIRMAN. In other words, your recent months have been heavier than previous months. Suppose you take the month of April, which has just closed. What was your total expense for the month of April?

Mr. HARLOW. I do not have it with me; I would have to get it.

The CHAIRMAN. What about March?

Mr. HARLOW. May I put that in the record?

The CHAIRMAN. You cannot give it to me right now?

Mr. HARLOW. No, sir.

The CHAIRMAN. Very well; put that in the record. Because otherwise there does not appear to be any deficit in the amount of \$31,000; give us for the record March, and, if you can, give us April.

Mr. HARLOW. You are quite right in projecting these figures, Mr. Chairman, but when we worked this thing up we thought our deficit would be \$40,000 instead of \$31,000.

The CHAIRMAN. Well, let us see if we cannot make it \$21,000 or \$11,000 instead of \$31,000.

Mr. HARLOW. Very well, sir.

NOTE.—Monthly obligations have been as follows:

July-----	\$10, 821	May, estimated-----	21, 000
August-----	13, 471	June, estimated-----	18, 000
September-----	10, 327		
October-----	23, 957		187, 212
November-----	11, 800	Deduct available-----	156, 775
December-----	11, 977		
January-----	20, 132	Estimated deficit-----	30, 437
February-----	13, 381		
March-----	17, 224		
April-----	15, 122		
Total-----	148, 212		

May is estimated at \$21,000 because quarterly purchases of supplies, ordinarily made during the first month of the quarter, were not accomplished during April. June will be above average because of payment of collaborating epidemiologists, and because all pending transportation bills, not recorded at the end of the month during the fiscal year, will appear as June obligations.

It should be noted, also, that the \$2,500 transferred from Freedmen's Hospital may not be used for any purpose except the purchase of stationery supplies for the hospital.

Mr. LUDLOW. What is the standard allowance for the transportation of household effects?

Mr. HARLOW. It is so complicated, Mr. Ludlow, that I could not give it from memory. It varies with the officer's rank. An officer of a certain rank would be allowed 7,500 pounds; of a lower rank he would be allowed less, and so on down the line.

Mr. LUDLOW. So in a way it is standardized according to rank, is it?

Mr. HARLOW. Yes; it is identical with the Army allowance.

Mr. TABER. How much are you figuring that is going to run you for the rest of the year?

Mr. HARLOW. An additional \$36,000.

Mr. TABER. Besides what shows here?

Mr. HARLOW. Yes, sir.

Mr. TABER. So it is going to show \$96,000 for the year?

Mr. HARLOW. Yes, sir.

Mr. TABER. What is the stationery going to show?

Mr. HARLOW. The stationery item we anticipate will take up the \$34,800 balance.

Mr. TABER. That makes \$70,000. How about the reserve?

Mr. HARLOW. We will apply the reserve to the transportation.

Mr. TABER. You are still going to be short when you get all through, are you not?

Mr. HARLOW. No, sir; we will not.

Mr. TABER. You are not going to be short?

Mr. HARLOW. If we get this deficiency item, we will not be short. We will come within the additional allowance.

TRAINING FOR NURSES

The CHAIRMAN. We will take up the second item, which is as follows:

Training for nurses, Public Health Service (national defense): For an additional amount for training for nurses, (national defense), fiscal year 1943, including the objects specified under this head in the Federal Security Agency Appropriation Act, 1943, \$609,000.

I see that you have subdivided this into \$489,000 for student nurses and \$120,000 for postgraduates.

Your original appropriation here was \$3,500,000. How does it happen that we are short \$609,000?

Mr. HARLOW. Mr. Chairman, Miss Pearl McIver is in charge of that program for the Public Health Service, and she will explain the details to you.

I might say, however, that this shortage, if we may call it that, is due to the fact that we have, in an effort to get all the additional nurses that it is possible to get into the schools, obligated the entire original appropriation.

There is an opportunity to get the schools to take in June classes and get additional nurses in that way. This item is just for the month of June, to cover the admission of as many additional nursing students as can be obtained in the month of June, aside from the postgraduates, which is also a June proposition.

The CHAIRMAN. You mention in your statement a different plan for nurses' training pending in Congress. To what extent will that affect the courses provided by these funds?

Mr. HARLOW. Mr. Chairman, that bill is H. R. 2326 which provides for a student reserve, and we had anticipated that that would not go into effect until the next fiscal year, 1944.

This money we have here will be obligated for the June classes, and presumably those June classes will go into the new program at the beginning of the next fiscal year.

LENGTH OF STUDENT TRAINING COURSES

The CHAIRMAN. What is the length of your student courses?

Mr. HARLOW. Miss McIver, will you answer that?

Miss McIVER. Most of the State laws require a 36-month program for registration, because in order to practice, a nurse must obtain a State license. She is not eligible to take the examinations unless she

has completed a course which meets the requirements of that State. In most of our States that is 36 months.

However, because of the war effort, through the influence of the professional organizations and the Public Health Service, we have worked out a plan whereby the required theory and required practice can be completed in either 24 or 30 months, leaving the last period, which the law requires that they must spend in school, for straight practice.

That is a supervised period of practice of 6 to 12 months in which the student is working full time, and not having to stop for classes. We already have accelerated the program in some instances to 24 months, and in some instances to 30 months.

INCREASE IN NUMBER OF HOSPITAL PATIENTS

Mr. TABER. What are you going to use these nurses for after you train them, some time in 1945 or 1946?

Miss McIVER. I do not think we will have too many. We have never had enough nurses to meet the nursing needs. You might think that we would have less days of hospital care in the United States, than we had before, especially with all the men that are in the Army, but that is not the case. The daily average number of patients in hospitals is increasing rapidly, 12 percent last year and 8 percent this year, in spite of the fact that a large proportion of our population is in the Army.

The CHAIRMAN. How do you account for that? Is it because of the fact that people are better able to pay for hospitalization or that there is more need for hospitalization?

Miss McIVER. No; your first point is correct, that they are better able to pay for it, and when they are able to pay for it, they will seek the kind of care that they need.

The second point is, because of crowded housing conditions, it is not possible to take care of people in their homes in many of these areas, where formerly they did; now they have to go to a hospital.

A third point is that there is being worked out a Blue Cross plan, a plan whereby you can pay for hospitalization on an insurance basis, and it is proving very popular. The hospitals tell us that their increase in patient load is quite large, due to this Blue Cross plan.

The CHAIRMAN. There was some prejudice against this group hospitalization on the part of health authorities; has that been dissipated?

Miss McIVER. I think there is no objection to these hospitalization plans now. The American Hospital Association is sponsoring the Blue Cross, and I believe they are quite enthusiastic about it.

AMOUNT OF FUNDS AVAILABLE FOR 1943

The CHAIRMAN. This money for which you are asking here provides for 1 month only, for the month of June. What appropriation did you have for the fiscal year 1943 to carry on the work to which this requested \$609,000 will be applied?

Miss McIVER. We had the \$3,500,000 and a sum of \$600,000 which was given to us as a deficiency last year, and which was not totally expended in June—

The CHAIRMAN. That totaled how much?

Miss McIVER. Approximately \$85,000.

The CHAIRMAN. You have been carrying on that work up to this time, and this is merely a continuation of the work initiated with those funds?

Miss McIVER. It is in a sense not a deficiency, because we have accomplished what we promised to accomplish with our appropriation. But schools have been writing to us saying that if they could take a class in immediately when high schools and colleges end, they would be more likely to get students than if they waited until the fall, which is the usual practice.

DIFFICULTY IN SECURING STUDENTS

You probably do not know that our greatest difficulty now in getting more nurses is to get the students into the schools. The competition is becoming so acute. A high-school girl can go out and earn a very good salary without any further training, or the young college girls can go into the WAAC's and WAVES and SPARS and earn a salary right from the beginning of their training period.

The CHAIRMAN. You are starting a new class in June?

Miss McIVER. This appropriation is for the purpose of starting new classes.

The CHAIRMAN. Are they taking the class that is being presently graduated?

Miss McIVER. The class graduates usually in September. Our nursing schools run on a 12-month basis rather than the 9-month school year. So while it may be that the graduation exercises are in June, they really do not get their diplomas until they have completed the full 36 months.

PAYMENT OF TUITION AND FEES OF STUDENTS

The CHAIRMAN. This estimate is for 4,000 students and you are to pay at the rate of \$50 per student. Is that money paid to the student?

Miss McIVER. It is paid to the school. According to our present law, we cannot pay cash to the student.

The CHAIRMAN. I notice that it is marked here, tuition for 4,000 students, \$66.67 partial.

Do you have the student pay a part of it, or is this for the entire course? What is the arrangement with respect to tuition, as to the payment of it? Why is it marked "partial"?

Miss McIVER. The average tuition runs from \$100 to \$150. Our present plan is only to pay tuition to the girls who cannot pay it themselves. In other words, the schools ask them if they can take care of the tuition themselves.

The CHAIRMAN. What proportion can take care of it themselves?

Miss DUNN. One-third to one-half.

The CHAIRMAN. Is this appropriation request geared to that proportion?

Miss DUNN. Yes.

Mr. HARLOW. This particular item, Mr. Chairman, might be stated in another way, that the average cost of the tuition will be \$100. We

will pay the tuition for two-thirds of the girls, which works it down to \$66.67 average.

The CHAIRMAN. I notice that your fees are also marked "partial."

Miss McIVER. That is for the same reason. Some of them can probably pay their own fees and some definitely will not. Some can pay part of their fees. Quite frequently a girl will come in and say she can pay half of them herself, but cannot pay them all. So the school makes out its budget in accordance with the need.

The CHAIRMAN. This \$50 for maintenance and \$66.67 for tuition combined—is that the rate that was heretofore charged in previous courses or has there been a change in the rates?

Miss McIVER. No; it is the same.

The CHAIRMAN. The same rate holds. This class that will begin in June, their expense will be projected through 1944; when will they be graduated?

Miss McIVER. Three years from this June.

The CHAIRMAN. Then this will run through the entire year of 1944?

Miss McIVER. Yes, sir.

The CHAIRMAN. Have funds been included in the 1944 bill to take care of this item?

Miss McIVER. We hope that the appropriation pending will take care of it.

The CHAIRMAN. You have asked for it?

Miss McIVER. Yes.

The CHAIRMAN. Estimates have been sent up here for that?

Miss McIVER. Yes.

ADMISSION TO SCHOOLS RECEIVING FEDERAL AID FOR NURSING EDUCATION

The CHAIRMAN. Will you give us a statement showing the nurses that have been trained in both student and post-graduate training, and those currently enrolled?

You may just put that statement in the record.

Mr. HARLOW. Very good.

(The matter referred to is as follows:)

TABLE I.—*Anticipated and actual admissions to schools receiving Federal aid for nursing education programs by years*

Type of program	1942 admissions		1942 deficiency appropriation, admissions		1943 admissions		Total admissions	
	Anticipated	Actual	Anticipated	Actual	Anticipated	Actual	Anticipated	Actual
Refresher.....	3,000	2,160		140	3,200	1,362	6,200	3,662
Basic.....	3,000	2,487	3,800	3,755	5,000	5,669	11,800	¹ 11,911
Postgraduate.....	1,000	1,296	759	910	1,250	2,116	4,259	4,322
Total students.....	7,000	5,943	4,559	4,805	9,450	9,147	22,259	19,895

¹ Increase over 1940.
As of Feb. 1, 1943.

Mr. TABER. Does that show the nurses who are regularly trained in the regular hospitals? They have a regular training program in practically every hospital. Does that show those or does that show just the project you are operating?

Miss McIVER. These are the regular programs in the regular schools. But under this program we pay only for the increase.

In other words, if a school admits 40 students a year before Federal aid became available—which was 1940-1941—they would have to admit more than 40 students this year, or we would not give them anything. But if they admit 10 students this year in addition—in other words, 50 students, which would be an additional 10—then we would pay them for the additional 10 students at the rate that we have here.

The CHAIRMAN. That is a roster, then, of all students being trained in the country?

Miss McIVER. No; it is a roster of the increase only, so far as student nurses are concerned.

The CHAIRMAN. All that are being trained.

Miss McIVER. All that are being trained with this money. It is not a roster of all schools of nursing in the country, nor of all students who train in the schools.

PRESENT NUMBER OF STUDENTS IN SCHOOLS OF NURSING

The CHAIRMAN. What estimate have you of the nurses being trained in the schools?

Miss McIVER. Twenty-six thousand graduated last fall. There are in schools of nursing in the United States at the present time about 100,000 students of all classes—first, second, and third year.

The CHAIRMAN. Is this going to supply the needs? You stated just now that there was a deficiency; will this supply the needs of nursing after the war, in the post-war period?

Miss McIVER. There is a critical shortage of nurses right now. In fact, the best estimates that have been made indicate, by the end of the next fiscal year, unless we can speed up our training program considerably, we may be short 100,000 nurses.

The CHAIRMAN. The demand after the war will be 100,000 more nurses than you will be able to supply with present facilities, present training facilities?

Miss McIVER. This is during the war.

The CHAIRMAN. What about the shortage of nurses for the armed forces at this time and for the coming year?

Miss McIVER. The Army and the Navy do not give the exact number of nurses, but from estimates that they have given us, there are slightly more than 30,000 nurses on duty now with the Army and Navy. They have asked for 3,000 a month for the rest of this calendar year, with a slightly smaller number for the succeeding months of the next year. That estimate will show that it will be around 70,000 by the end of the next fiscal year that will be in the armed forces.

APPROPRIATION FOR CURRENT FISCAL YEAR

The CHAIRMAN. I notice that the committee cut your Budget estimate from \$3,850,000 down to \$3,500,000. In other words, the committee cut \$350,000 out of it. Are you providing as much training for this \$3,500,000 as you previously planned, when the appropriation was granted?

Miss McIVER. I believe our original request was for more than that. It was for \$6,000,000.

The CHAIRMAN. The Budget estimate that came up to the committee was for \$3,850,000, and we reduced it to \$3,500,000.

Mr. HARLOW. Mr. Chairman, this comes down to a matter of arithmetic. It costs so much on an average to get these additional nurses in the schools. We apply the money as far as it will go, and then we are through. We could not train as many nurses for \$3,500,000 as we could for \$3,800,000.

The CHAIRMAN. Are you having any difficulty in securing recruits?

Miss McIVER. Yes.

The CHAIRMAN. For the amount of money we have provided? Will you be able to secure the full number?

Miss McIVER. We should secure many more than this 4,000. We have been conservative, because under the present program we think perhaps 4,000 is about as many as we can attract into the schools. The schools should take in more than that, but under the present plan and regulations I doubt if we can get more than 4,000.

Mr. HARLOW. Mr. Chairman, I think Miss McIVER missed the point; you were speaking of the \$3,500,000?

The CHAIRMAN. Yes.

Mr. HARLOW. That money has all been obligated and we have gotten all the nurses we can get for that much money.

The CHAIRMAN. The ranks are full?

Mr. HARLOW. Yes, sir; all that we can enroll for that sum.

POSTGRADUATE TRAINING FOR NURSES

The CHAIRMAN. Your second division is in the amount of \$120,000 for postgraduate training for nurses. Give us a statement on that.

Miss McIVER. The need for additional teachers and instructors in schools of nursing is especially acute because we are expanding our schools of nursing, and the more students we take in the more instructors and supervisors we must have to teach them.

We also are in need of nurses with special preparation, in some of the rural areas. The need for nurses with midwifery training is quite acute.

The Army wants nurses with special training in anaesthesia, and the public health departments are finding themselves very short and want nurses with special public health training. Most of the summer schools for the postgraduate preparation of nurses begin in June, and the schools feel that it would handicap them greatly if they had to wait and not take students during this summer session.

Our appropriation will not be available, of course, until after July 1, so that in order to speed up the preparation of additional teachers, supervisors, public health nurses, and other nurses with special training, this appropriation was requested.

MAINTENANCE OF AND TUITION RATE FOR STUDENTS

The CHAIRMAN. You are asking here for the maintenance of 750 students at \$60 per month, but you only ask \$50 per month for student nurses. What is the difference there?

Miss McIVER. The graduate students are not living in dormitories and must compete with commercial rates for living. The student

nurses are living in the hospital dormitories, and by and large, the average cost of their maintenance is not as great.

The CHAIRMAN. There is also a difference in the tuition rate. I see that the tuition rate averages \$100 per student under this item as against \$66.67 for student nurses.

Miss McIVER. This is the regular college tuition rate for post-graduate nurses. As Mr. Harlow explained, \$66.67 is an average and does not represent the total tuition of the students.

The CHAIRMAN. What is the length of the courses?

Miss McIVER. Six weeks or 3 months.

The CHAIRMAN. That is standardized?

Miss McIVER. This depends on the regular length of the term in the various colleges or universities.

The CHAIRMAN. You say that provision is made for the fiscal year 1944, in your estimates, for a continuation of this work?

Miss McIVER. Yes.

RELATIONSHIP OF CIVILIAN TO NATIONAL DEFENSE NURSES

Mr. LUDLOW. I notice that the caption of this estimate is for training for nurses for national defense, but there is quite a stress being laid on the need of civilian nurses. How does the training of nurses for the civilian service tie into the national defense?

Miss McIVER. As Dr. Parran has frequently said, the health of war workers in civilian populations is as necessary to the national defense as, perhaps, the health of our soldiers.

Mr. LUDLOW. Of course, it is highly important that we have nursing facilities at any time, war or peace, but I just wondered how distinctively this was tied into national defense, the training of nurses for the civilian service. It is a rather indirect connection, is it not?

Mr. HARLOW. We look at it this way, Mr. Ludlow. The Army and the Navy are drawing off nurses from our civilian population at the rate of 3,000 a month. We are supplying the backlog which enables them to do that.

Mr. LUDLOW. I am one of those that shudders to see the Government go into enterprises that ought to be financed locally and by private capital. With every good hospital in the country having training facilities, is it not possible for them to meet the requirements of training for civilian service?

Miss McIVER. They say they would gladly provide these nurses for the civilian service if the Government did not come in and take them away so fast. But the expense to them is terrific, because they get these people ready and then the Army comes in and takes them away.

Mr. LUDLOW. How many of these trained nurses go into the military service, would you say?

Miss McIVER. At present, about 3,000 a month. The closest estimates we can get are that there are about 30,000 in the Army and the Navy now.

Mr. LUDLOW. How many of them would you say go into civilian service, what percentage of them? I am trying to get the proportion.

Miss McIVER. We are just completing a national inventory, which is almost completed now. Two years ago we had a total of 200,000 active nurses in the United States. At that time that included those

who were in the Army and the Navy. But, of course, their nurses were not nearly as numerous as they are now. We think, with the present inventory, that we are going to have about the same number of nurses even though we have graduated quite a few in between, because nurses drop out; they get married; they have families, and cannot work. So that I think there are about 200,000 active nurses at the present time, and with 30,000 of those in the Army, that would be about 15 percent.

Mr. LUDLOW. What proportion of this estimate presently before us would be devoted to training nurses for essential military service, and what proportion for training nurses for civilian service?

Miss McIVER. The estimate is that this is all to relieve the situation caused by the military. These nurses will not be ready for the military within a year or 2 years. The ones that enrolled with Federal aid a year ago last fall will be ready some time next year to go into the Army. But during their training they are taking the place of nurses who have gone into the Army.

Mr. LUDLOW. Does this training that you give them equip them for essential service as a nurse in peacetime?

Miss McIVER. Yes.

Mr. LUDLOW. I have heard the term "registered nurse" all my life. What is comprehended within that term "registered nurse"?

Miss McIVER. It means a nurse who has met the requirements established by the State legislature.

Mr. LUDLOW. In each State?

Miss McIVER. That is right.

Mr. LUDLOW. Will the nurses that you turn out, in the main, be able to qualify under that head?

Miss McIVER. They all would.

Mr. LUDLOW. They do qualify under that head?

Miss McIVER. Yes.

Mr. LUDLOW. It gives them a very desirable training for peacetime service?

Miss McIVER. Yes.

Mr. LUDLOW. And it is a very important training?

Miss McIVER. Yes.

STATE LAWS GOVERNING REGISTERED NURSES

Mr. SNYDER. You speak of State laws governing the requirements of nurses. Are these State laws in the several States uniform?

Miss McIVER. Not entirely, unfortunately, although the majority of the States have what they call reciprocity with one another. A few States have standards that are so different that the nurse must take another examination if she wants to register in that State. But by far the majority of the States do have reciprocity and will allow a person merely to file her application and be registered in that State if she has passed the examinations in another State.

Mr. SNYDER. It is very unfortunate that that condition exists during a wartime. I have come in contact with the experience that some nurses have had in trying to transfer from one place to another. You speak of them as State nurses, the State pays all these nurses?

Miss McIVER. Oh, no.

Mr. SNYDER. Then they would not be State nurses.

Miss McIVER. I am sorry if I said State nurses, I did not mean to. I said State registration.

Mr. SNYDER. I thought that you said State nurses in the different States. For instance, in the State of Pennsylvania, which is my State, they have State nurses. The Federal Government pays about two-thirds and the State pays about one-third of their salaries. The nurses go out all over the State, assigned to different counties.

Miss McIVER. Those are the Public Health nurses from your State health department.

Mr. SNYDER. I am not able to say whether they are or not, but it would be the same thing. What kind of health is it if it is not public health?

Miss McIVER. This includes all types of nursing; hospital care is usually not called public health.

Mr. SNYDER. It may not be called public health, but it seems to me it should be, whether it is in a hospital or out in a barn; it should be public health.

Miss McIVER. I am inclined to agree with you. All health work is really in the interest of the public, but that is not the common interpretation.

Mr. SNYDER. One other question. You speak about how difficult it is to get nurses these days. There is a certain red tape that prevents people from coming in and becoming nurses in some cases, and that red tape is about as bad in the field of nursing as it is in the Army or the Navy.

I have a case in mind now, of a girl who had all but 4 months of her course completed. When her mother became ill, she had to stay at home and nurse her. She completed all but 4 months of her course, but they did not give her a certificate and now she has trouble getting an assignment just because she did not have the complete course. I am sure she would be a wonderful nurse, if they would just allow her to come in, but because of the red tape, she cannot come in.

Miss McIVER. I think that is true, but I believe the States are becoming more liberal. I know of several instances similar to the one you mentioned, in which arrangements have been made with them to meet the requirements by going back and spending 4 months more to complete their course, so that they may comply with the standards in that State.

I also know a large number of States that within the last few months have established, either by board rule or by legislative action, a ruling that for the duration of the war any nurse registered in any State may practice within that State.

Mr. SNYDER. That is good. For instance, at Annapolis and West Point, they have cut the courses to 3 years instead of 4, and they are pushing those boys out as fast as possible. One boy that I know has 16 hours of study a day; he is busy every minute, so much so that he cannot write to "Mom." They ought to do that with these nurses.

Miss McIVER. As I pointed out earlier, we are compressing the 36 months of instruction to 24 or 30 months, so as to relieve them of that class work, so that they may be ready to assist with full time nursing work.

Mr. SNYDER. Thank you; that is all.

NEED FOR ENLARGEMENT OF TRAINING OF STUDENT NURSES

Mr. RABAUT. I want to say one thing about the nursing profession. The nursing profession, I feel, represents really a charitable activity. And it has had the greatest compliment in the world paid to it in the use of the emblem of the Red Cross.

I feel that those who enter the nursing service are people who are devoting their service to humanity.

I think a fund to assist girls who are willing to make that contribution in these times, would be a very worthy thing in contrast to the money that is paid to anyone who is willing to do any kind of a job today. There has been a crying need for nurses in all times, and there is a silent confession here today underlying the statements that have been made, that people are willing to go into the hospitals now because they can pay for it, when they were unable to do so before.

I wonder how many institutions are permitted to be considered in this sort of program that has been advocated here? Is there a hairline decision on what constitutes a proper place to which they may go, or is the opportunity open to other institutions?

Miss McIVER. We now make a careful analysis, and I would say offhand that there are probably about 650 or 675 schools of nursing that would be eligible for Federal aid under our present plans. We are helping only about 355 at the present time, but many of those schools cannot increase; they could not get enough students to increase. Under this present plan, we were unable to give them any money unless they could show an increase.

Of course, the new plan that is proposed, that is pending in Congress, is such that we will be able to help many more.

Mr. LUDLOW. Is the present plan statutory?

Miss McIVER. It is written into the appropriation act that it shall be for an increased number of students, so that we really cannot do much about it.

Mr. RABAUT. The reason I say what I have said is that sometimes the spirit that is behind an institution makes a great appeal to a young woman; she will make a sacrifice because of a spirit that is engendered in a place. The place may not be glorified by its entrance, or its famous name, but from its walls there can come fine nurses and there have come some wonderful doctors, and I think they should be a part of your program. In other words, the field should be enlarged to the point where even the less glamorous places get an opportunity to take part in the program.

That is the only comment I have to make on what has been said here today.

PAYMENT OF TUITION OF STUDENTS TO SCHOOLS OF NURSING

Mr. TABER. You have something like 4,000 students set up here as against a regular annual set-up for these hospitals, of 26,000. That means that you are adding to the production of nurses about 15 per cent. Who gets this money? Does it go to the nurse or to the hospital, or where does it go?

Miss McIVER. It goes to the school of nursing, except that tuition is paid in lieu of the tuition which would be paid by the girl from her own pocket.

Mr. TABER. You mean that the average girl pays \$66.67 per month while she is in the hospital?

Miss McIVER. No; that \$66.67, as we say there, is an average. The average tuition for a year is about \$100 to \$150, but it must be paid on entrance.

Mr. TABER. Why do we pay them \$66.67 per student for 1 month; or is that for more than 1 month?

Miss McIVER. That is the tuition for the whole year, for those for whom we pay.

Mr. TABER. And does that go to the hospital?

Miss McIVER. It goes to the school.

Mr. TABER. That would be the hospital, would it not?

Miss McIVER. The school is a part of the hospital, in many instances.

Mr. TABER. Is it not everywhere?

Miss McIVER. No. There are some that are under university auspices and merely use a hospital for the clinical facilities as they would teaching in medicine.

Mr. RABAUT. It is practically the same thing.

Miss McIVER. Yes.

Mr. TABER. How are these divided up? If one school, for instance, has 30 in its normal set-up, are they allowed to take 2 or 3 more, or something of that kind; or is this thrown into certain special set-ups?

Miss McIVER. These June classes are all additional classes. It was not the practice of hospitals or schools of nursing to admit a class of girls in June. The usual admittance dates were September and February. But in order to speed up the production of more nurses, we have encouraged them to take an additional class in June.

Mr. TABER. This would only apply, then, to a small number of schools, is that it?

Miss McIVER. It only applies to a small number of schools.

Mr. TABER. How many schools?

Miss McIVER. One hundred and twenty schools have asked for assistance to put in a June class.

Mr. TABER. Are they largely hospitals or universities, or what are they?

Miss McIVER. All kinds; some small, some large, some medium.

Mr. TABER. What is the smallest number of students that would come out of any one school?

Miss McIVER. A class of 10 would be about as small as it would be worth while to set up instructional facilities for.

Mr. TABER. What about your regular September class? Will this take the place of the regular September class?

Miss McIVER. No.

Mr. TABER. It will not?

Miss McIVER. No.

Mr. TABER. They will be operating them in addition?

Miss McIVER. Yes.

Mr. TABER. If a school normally has 15, 20, or 30 in their class, what will happen? Will they be getting a part of this money?

Miss McIVER. You mean the ones admitted in the fall?

Mr. TABER. Yes.

Miss McIVER. No. If they could admit in their fall class enough additional over their base-line year, they could ask for money from our next year's appropriation.

Mr. WIGGLESWORTH. Which amounts to how much—the next year's appropriation; what is your request?

Miss McIVER. \$3,500,000 is what is pending in our regular appropriation.

Mr. TABER. How many students is that supposed to cover?

Miss McIVER. I think it was 10,000.

(NOTE.—The correct number is 8,000.)

Mr. TABER. Would that be a part of the 10,000?

Miss McIVER. For the rest of the year, yes, because this one takes care of them for 1 month.

Mr. TABER. Are you doing the same thing for the other students—for the 10,000 students—that you are doing for these?

Mr. HARLOW. It is the same program; yes, sir.

Mr. TABER. It is the same program?

Mr. HARLOW. Yes.

Mr. TABER. You are doing the same thing? That is, you are paying \$50 a month for their maintenance and \$66.67 for their tuition?

Miss McIVER. Under our present plan we have a formula, and the maximum amount that we pay a school for one student for the whole year is \$300. In other words, we do not pay maintenance after the student has had her preliminary instruction and is able to render some nursing service in the hospital. So that the maintenance is usually not paid for more than 4 months, or something like that, and then the hospital pays her maintenance from then on, because she is rendering some service to the hospital. So the maximum is \$300.

Mr. TABER. Is there a difference between those students and the regular students that are there?

Miss McIVER. No; there is no difference. They get the same program.

Mr. TABER. All right.

The CHAIRMAN. Mr. Wigglesworth.

Mr. WIGGLESWORTH. You said you had two appropriations pending, one for three and one-half million dollars, and what is the other for the next fiscal year?

Mr. HARLOW. The other is a legislative provision which does not carry any appropriation, but, if it is passed, will call for an appropriation of between sixty and seventy million dollars.

Mr. WIGGLESWORTH. That is a legislative proposal?

Mr. HARLOW. Yes.

Mr. WIGGLESWORTH. Your appropriation request for next year is identical with the one that you were given this year?

Mr. HARLOW. Yes.

Mr. WIGGLESWORTH. This request merely moves that up 1 month?

Mr. HARLOW. Yes. I might say with respect to next year's item that if we can get the additional girls in the schools, that will all be obligated before the end of the fiscal year. What we are after is nurses, and not trying to stretch an appropriation over a year.

The CHAIRMAN. Mr. Ludlow.

Mr. LUDLOW. You turn out these nurses for a valuable purpose. You enable them to earn a regular livelihood. I am glad of that. But is there any provision for repayment by the nurse for any of the cost of this training? I am speaking now of nurses for purely

civilian service. It is a present by the Government to the nurses; is that what it amounts to?

Miss McIVER. I would say it is to the public good.

Mr. LUDLOW. You think, from the standpoint of the public good, they are worth it?

Miss McIVER. Yes.

Mr. LUDLOW. I am not going to dispute that.

Mr. HARLOW. As a matter of fact, we feel that unless the new program that we speak of, the legislative proposal, is adopted, we won't be able to get many girls in nursing schools this coming year. They will all go into the WAAC's and WAVES, aircraft factories, and what not.

The CHAIRMAN. Thank you, Mr. Harlow.

Mr. HARLOW. Thank you very much, Mr. Chairman.

SATURDAY, MAY 8, 1943.

FREEDMEN'S HOSPITAL

STATEMENTS OF DR. JOHN W. LAWLAH, SUPERINTENDENT; CHARLES E. BURBRIDGE, ASSISTANT SUPERINTENDENT; GRACE S. JACKSON, CHIEF CLERK; AND CLARENCE W. BANTON, CHIEF ACCOUNTANT

MISCELLANEOUS EXPENSES

The CHAIRMAN. Dr. Lawlah, we come now to the item in House Document No. 191 for Freedmen's Hospital, which reads as follows:

FREEDMEN'S HOSPITAL

Miscellaneous expenses, Freedmen's Hospital, Federal Security Agency: For an additional amount for "Miscellaneous expenses," Freedmen's Hospital, fiscal year 1943, including the objects specified under this head in the Federal Security Agency Appropriation Act, 1943, \$55,000: *Provided*, That the foregoing appropriation shall be chargeable to the District of Columbia as specified under this head in said appropriation act, \$55,000.

Your appropriation for 1943 was \$177,110. The budget estimate was \$277,110, and the committee cut it \$100,000 on the basis of the hospital's securing more receipts from pay patients than in the past. Tell us how you arrived at this \$55,000, Doctor.

GENERAL STATEMENT

Dr. LAWLAH. In presenting this deficiency estimate for Freedmen's Hospital, I desire to invite attention to certain pertinent factors which have entered into the necessity for this submission.

As an outgrowth of certain irregularities investigated by the General Accounting Office during the spring of 1942, the appropriation for the hospital for the fiscal year 1943 was cut by \$100,000. It is my understanding that the cut in the appropriation did not represent an amount which the appropriating body felt could be removed

from the miscellaneous expense budget of the hospital and still permit of its efficient operation during the fiscal year 1943. While it was anticipated that tightening up of administrative control of expenditures would result in more efficient operation, an equal if not more important consideration was that a determined effort should be made to increase income from pay patients. Because of the code under which the hospital operates which permits of the expenditure of income from pay patients for miscellaneous expenses, it was hoped that the congressional appropriation would be augmented sufficiently by such income so that the hospital might be able to operate throughout the entire year.

Some measure of success has been accomplished in meeting these objectives as follows:

(a) The total budget for miscellaneous expense during this fiscal year is less than it was in 1942 (see following comparative statistics), despite the increase in costs of practically all materials used by the hospital and an increase in the utilization of supplies because of the increase of approximately 8 percent over the fiscal year 1942 in the number of patients hospitalized and the number of days' care.

Total budget, "Miscellaneous expense," fiscal year 1942, \$310,628.

Total anticipated budget, "Miscellaneous expense," fiscal year 1943, \$297,110. This figure for 1943 includes deficiency request.

Number of patients hospitalized: 1940, 6,709; 1941, 7,537; 1942, 8,126; estimated 1943, 8,772.

Number of days care to hospitalized patients: 1940, 95,193; 1941, 127,926; 1942, 155,721; estimated 1943, 165,668.

Per diem cost, consolidated: 1940, \$4.59; 1941, \$4.67; 1942, \$4.21; estimated 1943, \$4.21.

Daily average patient load: 1940, 288.2; 1941, 328.6; 1942, 426.6; estimated 1943, 462.

Number of births: 1940, 1,271; 1941, 1,414; 1942, 1,575; estimated 1943, 1,900.

Number of emergency treatments: 1940, 10,108; 1941, 13,438; 1942, 24,843; estimated 1943, 30,000.

(b) Income from pay patients has been definitely increased as is reflected in the following comparative figures of pay patients' receipts.

	Fiscal year 1942	Fiscal year 1943		Fiscal year 1942	Fiscal year 1943
Pay patients' receipts:			Pay patients' receipts:		
July.....	\$2,889.75	\$4,894.25	February.....	\$2,538.73	\$6,146.00
August.....	2,550.75	4,343.50	March.....	3,328.00	7,777.30
September.....	2,619.00	4,304.77	April.....	3,233.75	
October.....	2,547.05	4,724.13	May.....	3,508.50	
November.....	2,671.50	3,836.32	June.....	3,563.17	
December.....	2,772.70	4,643.95			
January.....	2,078.39	5,221.45	Total.....	34,628.20	45,881.68

Estimated total for 1943 fiscal year, \$65,000.

The CHAIRMAN. In other words, practically an increase of 100 percent?

Dr. LAWLAH. That is right. The percentage of pay patients is reflected by the table showing that in 1942 the percentage of pay patients

was 13.9 and for the first 9 months of this year the pay patients represented 30.5 percent of the total.

Mr. LUDLOW. What means did you take to secure this increased income from your patients?

Dr. LAWLAH. We set up an Admissions Office and more carefully scrutinized patients coming into the hospital for the first time and those referred for hospitalization. On April 1—of course, it will not be reflected very much in the records—we increased our rates and set up a part-pay schedule.

The CHAIRMAN. You may proceed with your statement.

Dr. LAWLAH. The percentage of pay patients over this same period is as follows:

For the fiscal year 1942, total patients, 8,126; number of pay patients, 1,130, or a percentage of pay patients of 13.9.

For the first 9 months of the fiscal year 1943, total patients, 6,580; number of pay patients, 2,011; making the percentage of pay patients 30.5.

At the start of the fiscal year, and in the course of working out the best possible objective distribution of the sharply curtailed funds available under this appropriation, allocations were made in all categories which it was believed represented a fair proportionate part of the total funds available. However, it was fully realized at the time that the various allocated sums would not be sufficient to meet the full year's need in any category since the total expenditures in every item were greater during 1942. It was obvious that income from patient fees would have to be greatly increased.

The present request of \$55,000 represents, therefore, the minimum amount which will be required to operate the hospital during the rest of the current fiscal year. I will be glad to justify the items in this deficiency request in the order in which they are presented in the deficiency budget.

ESTIMATED DAILY PATIENT LOAD AND PER CAPITA COST FOR FISCAL YEAR 1943

The CHAIRMAN. When the estimate of \$277,110 was prepared, Doctor, on what daily patient load was it estimated? That is, what did you estimate would be your daily patient load in your first estimate for \$277,110?

Dr. LAWLAH. For this fiscal year?

The CHAIRMAN. Yes.

Dr. LAWLAH. The average patient load during 1942 was 426.6 patients a day.

The CHAIRMAN. And you estimated that in making out your request for funds?

Dr. LAWLAH. The original request for funds, that is right.

The CHAIRMAN. At what per capita cost did you estimate that load?

Dr. LAWLAH. That was estimated at \$4.21 per day.

The CHAIRMAN. Per patient?

Dr. LAWLAH. Per patient.

The CHAIRMAN. That would have given you what total cost? You can supply that. That is for 1943.

Dr. LAWLAH. It should be pointed out here that the hospital's request to meet its miscellaneous expenses is based upon experience of

the previous fiscal year, current experience, and anticipated departmental needs of the hospital and is set forth in several objects, such as communication service, rents and utility services, supplies and materials, equipment, and so forth. Furthermore, we operate a large out-patient clinic, the cost of which is not reflected in computing the per diem cost per patient per hospital-day. The per diem cost per patient per hospital-day of \$4.21 is arrived at by dividing the total costs properly allocable to patient's care by the number of days of hospital care. The expense of collateral functions not directly involved in the rendering of care to hospitalized patients is omitted.

The CHAIRMAN. On actual experience up to this time, Doctor, what has been your patient load and your cost per capita?

Dr. LAWLAH. Our patient load up to this time has averaged 462 patients per day.

The CHAIRMAN. At a per capital cost of what?

Dr. LAWLAH. At a per capita cost of \$4.21.

The CHAIRMAN. There has been no change, then, in your daily per capital cost?

Dr. LAWLAH. No appreciable change.

The CHAIRMAN. That is very good, considering the fact that there has been a general increase in prices.

Dr. LAWLAH. That is right, and many of them are up as high as 10, 15, and 20 percent.

The CHAIRMAN. It is to be noted from the table on page 12 that your daily average patient load there is about 100 below your bed capacity. In other words, you are not running to capacity?

Dr. LAWLAH. We are running to what is considered hospital capacity.

The CHAIRMAN. That involves a reserve?

Dr. LAWLAH. When you exceed 80 percent in a hospital, you are considered crowded.

The CHAIRMAN. I also note there that in April and May you had 2 wards with a capacity of 56 beds that were closed, but that you expect to open again in June. If your daily average patient load is 63 below bed capacity in the general hospital, why would it be necessary to open those wards?

Dr. LAWLAH. Actually, we are more crowded than we have ever been, because we have taken those patients and distributed them through the hospital where we could find a place for a bed.

The CHAIRMAN. Even though you are 63 below bed capacity, you think you ought to have these extra beds. Why did you close during those months?

Dr. LAWLAH. We had an appropriation for remodeling. That is the oldest wing in the building. It was very dilapidated. Floors were torn up. The plumbing was out of order. It did not meet health standards. This was made 2 years ago—that is, the appropriation to remodel the whole wing. They have just got to the point where they can do it.

The CHAIRMAN. They closed it for reconstruction?

Dr. LAWLAH. They closed it for reconstruction.

UNOBLIGATED BALANCE OF CURRENT APPROPRIATION

The CHAIRMAN. What was your unobligated balance as of April 30?

Dr. LAWLAH. We have expended all the funds we had.

The CHAIRMAN. You have nothing left at all?

Dr. LAWLAIH. Nothing except the income from patients' receipts.

The CHAIRMAN. You are out of cash already?

Dr. LAWLAIH. That is right.

The CHAIRMAN. When will it be imperative for you to have additional funds?

Dr. LAWLAIH. Right this minute, if at all possible.

COMPARISON OF RATES CHARGED PATIENTS OF HOSPITALS

Mr. LUDLOW. How do the rates that you charge patients compare with the rates that they charge patients in other hospitals?

Mr. BURBRIDGE. I can give you a statement on that. We are lower in our rates than any hospital in the District of Columbia. Our rates are lower than any recognized hospital.

Comparative table of rates

	Ward	Semiprivate	Private
Gallinger.....	\$4.		
Garfield.....	\$5.	\$5.50 to \$6.	\$6.50 to \$12.50.
Sibley.....	\$4 to \$4.50.	\$5 to \$6.	\$6 to \$10.
Georgetown.....	\$3 to \$6.	\$4.50 to \$5.	\$5.50 to \$10.
Emergency.....	\$4 to \$5.	\$5 to \$6.	\$7 to \$15.
Casualty.....	\$4 to \$4.50.	\$5 to \$5.50.	\$6.50 and up.
Freemen's.....	\$3.50	\$4	\$4.50.

PERCENTAGE OF ACCOUNTS UNCOLLECTED

Mr. LUDLOW. What percentage of your accounts would you say are uncollected?

Dr. LAWLAIH. That has varied from last July up to the present, when the percentage would approximate 10 percent or better.

Mr. LUDLOW. You have free wards?

Dr. LAWLAIH. Yes; we have free wards.

Mr. LUDLOW. You think about 10 percent would be the right figure?

Dr. LAWLAIH. It would not be correct for the whole year, but with the institution of an admission system and the like, we would estimate that it would be very little, if any, over 10 percent.

INCREASE IN PATIENT LOAD

Mr. LUDLOW. With the great influx of population, has your patient load increased in proportion to the increase in population?

Dr. LAWLAIH. It has definitely increased to the point where we are crowded now. We are having an average patient load of 462 as compared with a figure of 426 for 1942.

Mr. LUDLOW. What would you say your load was 5 years ago, approximately?

Dr. LAWLAIH. Can you answer that, Miss Jackson?

Miss JACKSON. I do not know that I can here, but will furnish that information from the files.

NOTE.—The daily average patient load 5 years ago (fiscal year 1938) was 244.

Mr. LUDLOW. Just put that in the record.

Dr. LAWLAH. Five years ago we did not have the tuberculosis annex. We have added a 150-bed unit. That was done in January 1941. So that up to that time there were only 402 beds as against 552 at this time.

Mr. LUDLOW. Is your hospital very much overcrowded now?

Dr. LAWLAH. It is definitely overcrowded.

Mr. LUDLOW. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Rabaut.

Mr. RABAUT. No questions.

The CHAIRMAN. Mr. Taber.

PERCENTAGE OF PATIENTS ABLE TO PAY EXPENSES

Mr. TABER. How many of your patients are able to pay at all? What percent?

Dr. LAWLAH. Our figures for the first 9 months show 30.5 percent.

Mr. TABER. The rest of them pay nothing?

Dr. LAWLAH. The rest of them were paying nothing. We just put in a part-pay category on April 1. Up to April 1 a patient was either a free patient or a pay patient. There was no in-between. So on April 1 we established a part-pay scale, which assesses a charge against the semi-indigent in terms of their ability to pay, and that has been computed to scale and is applied by the admissions office.

COMMUNICATION SERVICES

Mr. TABER. Here is something I do not understand. You have an item of \$1,072 for communication services for the first 6 months, and an estimate obligation for the second 6 months of \$3,928; or almost four times as much. Why should your communications—that is, your telephones, telegrams, and all that sort of thing—increase in such proportion?

Dr. LAWLAH. It is apparent that that is true, but that is not actually the case. Actually we will spend about \$2,500 for each 6 months' period.

In setting up the obligation on the basis of a \$100,000 cut, we allocated of that total amount available \$2,000 to communications, so that when the bills are paid for the first 6 months, they will amount to around \$2,400; but that was all we were able to obligate on the basis of the allocation that we could make on July 1, 1942.

Mr. TABER. You mean you just have not paid some of your bills for the first 6 months? Is that the idea?

Dr. LAWLAH. No; we have actually paid them now. This was made up some time ago, and that is the only item in the first column that does not reflect the actual total payment that has been made for the first 6 months.

RECEIPTS FROM PATIENTS

Mr. TABER. In April you had quite a considerable increase in your receipts from patients. Do you anticipate a further increase?

Dr. LAWLAH. Well, perhaps a slight increase. We are trying to aim at a \$100,000 income from pay patients for next year, and to do that

we will have to average between \$8,000 and \$8,500 per month; so that during the next 3 months of this year, if there is an increase above that amount it will be very welcome, but I doubt that we would exceed, on an average, more than \$8,000 per month for the next 3 months.

Mr. TABER. Do you not find that most of these people can pay something, or do you find a tremendous lot that cannot pay anything?

Dr. LAWLAH. We find quite a few who cannot pay.

Mr. TABER. What group are they?

Dr. LAWLAH. They are the ordinary people who work in domestic jobs and who have minor jobs, businesses, janitor jobs, and so forth.

Mr. TABER. Are not they all pretty completely employed?

Dr. LAWLAH. They are, but the level of their income is such that when you take their collateral obligations into account, they would not be able to pay anything. That is the basis of our part-pay scale, which sets a minimum wage income along with other obligations, and allows us to compute a charge. It may be 50 cents a day. It may be a dollar a day, and so forth, in terms of this low-income group.

The CHAIRMAN. Mr. Wigglesworth?

Mr. WIGGLESWORTH. No questions.

The CHAIRMAN. Thank you, Doctor, and I want to say that I think you have made a very fine record. I think you have made as good a record and improvement as anybody who has come before this committee this year.

Dr. LAWLAH. Thank you very much.

SATURDAY, May 8, 1943.

HOWARD UNIVERSITY

STATEMENTS OF DR. MORDECIA W. JOHNSON, PRESIDENT; V. D. JOHNSTON, TREASURER; AND J. M. NABRIT, JR., SECRETARY

CONVERSION OF EXISTING POWER PLANT

The CHAIRMAN. We will take up next the item contained in House Document No. 175, for the Howard University, which reads as follows:

For an additional amount, for "Expenses, Howard University," for fiscal year 1943, to be used to convert the existing power plant at Howard University from the use of oil as fuel to the use of coal, including the cost of engineering and architectural services \$229,500, to be available until June 30, 1944.

You have an estimate for deficiency appropriation of \$229,500 for the conversion of the power plant serving Howard University and Freedmen's Hospital from an oil burner to a coal burner. Will you give us a statement on that?

Dr. JOHNSON. Mr. Chairman, the Petroleum Administrator and the emergency offices of the Government in general have come to a final conclusion that Howard University must convert its plant from oil to coal. They have enforced that conclusion by placing us on a purely temporary rationing basis.

The CHAIRMAN. Have they issued a definite, positive order?

Dr. JOHNSON. Oh, yes.

The CHAIRMAN. And it is final and irrevocable?

Dr. JOHNSON. It is final and irrevocable.

The CHAIRMAN. What is the occasion of it?

Dr. JOHNSON. The matter is outlined beginning on page 5 of the justification. Perhaps it would be best to call attention to that.

Under date of January 21, 1943, the Office of Petroleum Administrator for War notified Howard University that—

It is the opinion of our engineers that your oil-fired equipment can be converted satisfactorily to the use of an alternate fuel such as coal at a reasonable cost.

In this letter the Petroleum Administrator further stated that—

To avoid the possibility of any disruption in the use of your equipment by having fuel-oil deliveries shut off through the application of the above regulation, it is advised that conversion of your oil-fired equipment be completed without delay.

Under date of January 27, 1943, the Petroleum Administrator for War further notified Mr. Leo L. Miller, budget officer, Federal Security Agency, that the oil-fired equipment of Howard University was surveyed by one of their consultation engineers on January 15, 1943, and that—

based upon the information contained in our engineers' survey report, together with other information we have in our files, it is now our opinion that this oil-fired equipment can be converted satisfactorily to the use of alternate fuel such as coal at a reasonable cost—

and further—

to avoid the possibility of any disruption in the use of the oil-fired equipment at this location by having fuel-oil deliveries shut off through the application of the above regulation (Limitation Order L-56, as amended), it is advisable that conversion of the oil-fired equipment be completed without delay.

The CHAIRMAN. You have received your order and you must comply with the order?

Dr. JOHNSON. That is right.

The CHAIRMAN. You have no alternative unless Congress should enact a law prohibiting it, which, of course, Congress is not going to do.

TIME REQUIRED TO CONVERT FROM OIL TO COAL

How long will it take to do the job?

Dr. JOHNSON. The estimate of our engineer is, if we should get the appropriation by June 1, that it would take until about December to get it done. It would take 6 to 8 months to get it done.

Mr. TABER. What have you got to do?

Dr. JOHNSON. There is quite a lot to be done.

Mr. RABAUT. What kind have you got?

Dr. JOHNSON. There are two Union radiant-heat boilers, each having a heating surface of 5,550 square feet.

Mr. RABAUT. Were they originally built for oil?

Dr. JOHNSON. They were originally built for oil.

The CHAIRMAN. Your estimate is by a private engineer. Have you checked his figures with the Bureau of Mines?

Dr. JOHNSON. Yes. They have been checked with the Bureau of Mines as to engineering requirements.

The CHAIRMAN. They approve his figures as being accurate?

Dr. JOHNSON. The engineer's plan for the conversion has been approved. The financial estimate can only be proved by bids. The estimated cost has increased considerably since we first looked into it.

The CHAIRMAN. We have a good deal of cold weather here in December. What provision is made with regard to this conversion if it should be during wintertime?

Dr. JOHNSON. He will do it one boiler at a time. There are two large boilers. He will convert one boiler and run the other on oil.

ORIGINAL COST OF POWER PLANT

The CHAIRMAN. I notice that this power plant was completed in July 1936 at a cost of \$573,000. The original cost of the whole plant was \$573,000. You are asking half as much as the original cost of the whole thing. What is the cause of that excessive cost?

Dr. JOHNSON. The engineer addresses himself to that by calling attention to the fact that if we had made this a coal-burning plant in the beginning it would have cost only \$80,000 more than the oil-burning plant, but that now that you have the oil-burning plant in, you have two factors to deal with that you did not have to deal with before. No. 1 is that you have the higher cost in general involved now, and, in the second place, you have to transform the present equipment, which is a difficult job.

PERFORMANCE OF POWER PLANT

The CHAIRMAN. Has the present power plant been satisfactory? Has it proved efficient?

Dr. JOHNSON. I should say substantially so.

Mr. JOHNSTON. Yes; it has.

The CHAIRMAN. How much oil did you consume last year? How much did you consume for the winter of 1941 and 1942?

Dr. JOHNSON. Thirty-eight thousand nine hundred and fifty-seven barrels in 1941.

The CHAIRMAN. How much did you consume for 1942 and 1943?

Dr. JOHNSON. Do you have those figures, Mr. Johnston?

Mr. JOHNSTON. Yes.

The CHAIRMAN. You can put them in the record. Has it been more or less than last year?

(Figures supplied: 39,215 barrels in 1941-42 and 32,320 barrels from July 1, 1942, to April 30, 1943.)

Mr. JOHNSTON. The consumption of oil this year will be less. The cost has been a great deal more. We have been operating on a rationed basis throughout the year. We had to turn the heat off in the dormitories in daytime in order to heat the classrooms.

ESTIMATE OF SAVING BECAUSE OF CONVERSION

(See pp. 172, 182)

The CHAIRMAN. A statement is made here that the conversion will save you \$25,000 a year in the price of oil as compared with the price of coal. Of course, that means the relative prices of oil and coal now. What about after the war? Have both oil and coal risen simultane-

ously? Will this difference of \$25,000 in the price of the two fuels continue under normal conditions?

Mr. JOHNSTON. It is the opinion that the use of oil is going to be diverted. For instance, the Navy will require a great deal more oil after the war is over, so that industrial users are going to be encouraged to use coal in this region.

The CHAIRMAN. I wish you would put into the record, however, in detail, these figures on the savings represented by this \$25,000.

Comparative cost of power-plant fuel, Howard University

1941-42:

Total cost fuel oil, 1941-42.....	\$67, 742. 39
Estimated cost coal, at \$5.63 per ton.....	46, 428. 10
Difference in cost of oil and coal.....	21, 314. 29

1942-43:

Total cost oil July 1, 1942-Apr. 30, 1943.....	69, 719. 50
Estimated cost coal July 1, 1942-Apr. 30, 1943.....	45, 036. 11
Difference in cost of oil and coal.....	24, 683. 39

Estimated cost oil May and June 1943.....	12, 459. 62
Estimated cost coal May and June 1943.....	6, 974. 45
Difference in cost of oil and coal.....	5, 485. 17

Total difference in cost.....	30, 168. 56
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The CHAIRMAN. At this rate of saving, \$25,000, it would take you about 8 or 9 years to pay for this change?

Dr. JOHNSON. Yes.

The CHAIRMAN. What is the life of a plant of that character?

Dr. JOHNSON. Do you have any estimate on the life of a plant of that character, Mr. Johnston?

Mr. JOHNSTON. The previous plant lasted about 30 years. When the average plant gets to be 20 or 25 years old, the efficiency drops off and you lose money by keeping it.

The CHAIRMAN. Your present plant is about 7 years old?

Mr. JOHNSTON. Yes; that is right.

The CHAIRMAN. What arrangements have been made for priorities from the War Production Board? Will you have any difficulty in getting material for this conversion?

Dr. JOHNSON. Have any steps been taken on that?

Mr. JOHNSTON. The Bureau of the Budget took that up with the War Production Board, and they were told that if the appropriation was made the requirements of the O. P. A. would be mandatory.

The CHAIRMAN. Mr. Ludlow.

DIRECTIVE FROM OFFICE OF PRICE ADMINISTRATION REQUIRING CONVERSION OF
POWER PLANT

Mr. LUDLOW. This directive to make this conversion comes from the Oil Administrator, do I understand?

Dr. JOHNSON. We have the actual correspondence on the subject here. It comes from the Office of Price Administration. The final orders came from the Office of Price Administration and from the Office of Petroleum Administration.

Mr. LUDLOW. Do they have authority to issue such an order?

Dr. JOHNSON. The Office of Price Administration notified us—

No fuel oil will be rationed to you, and oil ration coupons issued to you will not be valid for use beyond the end of such period as the Petroleum Administrator for War may determine to be necessary to convert your facilities.

Mr. LUDLOW. Do you know whether other Government power plants in the District are operated on fuel oil?

Dr. JOHNSON. I do not know that situation.

Do you know, Mr. Johnston?

Mr. JOHNSTON. There are quite a few here that use fuel oil.

Mr. LUDLOW. The same conditions that would apply in your case would apply in those cases. Have orders for conversion been issued in those cases?

Mr. JOHNSTON. I have been told unofficially that they are working on it. We are under the 30-day certificate now. To be renewed every 30 days we certify that we are in the process of conversion. Otherwise we get no oil. That certificate has been in existence ever since the Bureau of the Budget received these estimates.

Mr. LUDLOW. You have entered upon this conversion process already, you mean?

Mr. JOHNSTON. No. We have entered upon the process of asking for the money.

Dr. JOHNSON. I wonder if you noticed the strong language that the Petroleum Administrator uses under date of February 10, 1943?

Mr. LUDLOW. I wonder if he has the authority to issue it.

Mr. JOHNSTON. Turn to page 18. He quotes the law.

Mr. LUDLOW. I am wondering, in view of the little saving per annum and the longevity of equipment of this kind, whether it would be prudent to do it.

Dr. JOHNSON. He says, on page 18, that the law is that:

No ration shall be issued or used for the operation of convertible facilities for furnishing heat or hot water, or both, to premises other than private dwellings, except to the extent necessary to operate such facilities until the earliest date when conversion can be completed.

Mr. LUDLOW. With an unknown number of other plants in exactly the same category, do you understand that conversions are being ordered in all those cases?

Dr. JOHNSON. We do not know. We are not able to say. The only thing we can say is that they have told us that we must convert or get no oil.

Mr. LUDLOW. Have your heating facilities been satisfactory under the oil system?

Dr. JOHNSON. With the exception that we have not gotten enough oil to keep going.

Mr. LUDLOW. Aside from the rationing, the equipment has been satisfactory?

Dr. JOHNSON. Oh, yes.

The CHAIRMAN. Mr. Rabaut.

Mr. RABAUT. Can you use both those boilers all the time or do you use a stand-by boiler? How many boilers do you have there?

Dr. JOHNSON. Two boilers, and one is used as a stand-by.

Mr. TABER. Would not the oil people let you keep one of the boilers as a stand-by and use oil for the stand-by proposition and just convert one boiler?

Dr. JOHNSON. The language of the Petroleum Administrator is very rigid.

Mr. TABER. Has he been approached along that line? I know of other places that have that same situation, and that has been the result. If he has not been approached, I wish you would approach him before you get into this, so we will know what we are doing.

Dr. JOHNSON. Well, he quotes the law to us.

Mr. TABER. I know what he says about the law, but when anybody is fixing himself so he is using coal most of the time—nine-tenths of the time—sometimes they allow that to take care of the situation.

Mr. JOHNSTON. As you know, with a stand-by boiler it does not mean that the stand-by is unused.

Mr. TABER. It does not mean that it is not used, but you do not use two boilers all the time.

Mr. JOHNSTON. Well, that is probably true. In the coldest weather, through December and January, and probably February, we use the two boilers, but we use one boiler for maybe a couple of months, then alternate with the other. This allows for cleaning, inspection, repair.

Mr. TABER. You can get a little more heat out of a stoker-fired boiler with coal than you can out of an oil-fired boiler, can you not?

Mr. JOHNSTON. Say that over again, now.

Mr. TABER. You can get a little more heat out of a boiler that is fired with a stoker than you can out of oil?

Mr. JOHNSTON. It is not my understanding that that is the case.

Mr. TABER. I understand that is right.

Mr. JOHNSTON. Perhaps you have the facts on it.

Mr. TABER. And it is a little more unified.

Mr. JOHNSTON. With the coal-fired boiler than it is with the oil?

Mr. TABER. Yes.

Mr. JOHNSTON. I am unable to be definite on that score. The proposition we have is to get away from the oil entirely.

Mr. TABER. Who is the person in Washington who has had charge of the handling of your situation on the Petroleum Administration? I mean the person you have had to communicate with.

Mr. JOHNSTON. He is in New York.

Mr. TABER. The Petroleum Administration's man is in New York?

Mr. JOHNSTON. Yes. There are a dozen or more of them there who write us periodically. The last one, mentioned on page 18, is Sylvan Joseph.

Mr. TABER. He is not an engineer, or anything of that kind?

Mr. JOHNSTON. The man in Washington who would have all the facts is Mr. John F. Barkley, of the Bureau of Mines. He is the one who is advising us about this thing. I think the opinion has been that a dual situation does not work very well—first oil and then coal.

Mr. TABER. Whose experience is that?

Mr. JOHNSTON. Well, in plants where those situations have been. Mr. Ludlow, however, would have more advice on that.

Mr. LUDLOW. How old is this plant?

Mr. JOHNSTON. It was put in in July 1936.

ESTIMATE OF SAVING BECAUSE OF CONVERSION

(See p. 168, 182)

Mr. LUDLOW. Who was it that made this estimate that there would be an annual saving of \$25,000?

Mr. JOHNSTON. The consulting engineer, M. H. von Pagenhardt. That is, reducing the gallons of oil that we would use to the equivalent in coal and multiplying by the price of coal, the difference in cost is approximately \$25,000. That is the situation because oil at the present time is very expensive. Coal is more expensive than it used to be, but the situation in peacetime would probably reduce the price somewhat. There is an additional cost connected with the use of coal to remove ashes, cinders, and cleaning which oil-fired plants do not have. Stokers have to be serviced.

Mr. LUDLOW. Take a normal time, How much of a saving would be effected? You operate the plant. What is your opinion?

Mr. JOHNSTON. We have no way of guessing what the price of fuel would be in peacetime. The cost of oil has gone all the way from three and a fraction cents in 1939 up to 6 cents at the present time.

Mr. LUDLOW. I am looking forward to the time when the war will be over and normal conditions will obtain. Would there be any saving at all in normal times in the operation of the plant?

Mr. JOHNSTON. Yes. Everyone concedes that there would be a saving in coal operation. The estimated difference in cost of fuel for 1941-42 would have been \$21,312, for the current year \$30,168.

The CHAIRMAN. Mr. Wigglesworth.

Mr. WIGGLESWORTH. Who is Mr. Maximilian von Pagenhardt?

Mr. JOHNSTON. The consulting engineer. I am asking permission to insert a statement by Mr. Pagenhardt as to his qualifications and experience.

WASHINGTON, D. C., May 8, 1943.

Subject: Qualifications.

Mr. V. D. JOHNSTON,
Treasurer, Howard University,
Washington, D. C.

DEAR MR. JOHNSTON: Supplementing my basic proposal on the cost of conversion from oil to coal of your power plant, the undersigned qualifies as consulting engineer because of his intimate connection with power-plant construction for a period dating back to 1917.

During the years from 1917 to 1923 the undersigned was intermittently engaged as consulting engineer and naval architect by the United States Engineers, the Standard Oil, the Doherty Co., and others in the design of river craft.

During 1923 the undersigned was engaged as consulting engineer by the United States War Department in the conversion from coal to oil of the Brooklyn intermediate depot, the Base I depot, the Holabird depot, the Leavenworth depot, and others.

During 1924 to 1939 the undersigned maintained double position of consulting engineer and contractor.

As consulting engineer he designed the extension of the municipal power plant of the city of Ephrata, Pa. (1931), the \$350,000 extension of the St. Elizabeths Hospital (1933), the construction of St. Joseph College power plant, Emmittsburg, Md. (1939), then further extension of St. Elizabeths Hospital at this time.

As contractor he executed the construction of numerous power plants in Washington, D. C., in Quantico, Philadelphia, in Nevada, and other locations, with particular reference to the Capitol plant, and the Howard University.

Since 1939 the undersigned was engaged exclusively as consulting engineer in

the conversion from oil to coal of such plants as the Shoreham Hotel, Bergmann's Laundry, the Sterling Laundry, the Page Laundry, and others.

Yours very truly,

M. H. VON PAGENHARDT,
Consulting Engineer.

Mr. WIGGLESWORTH. Has he done any previous work for you?

Mr. JOHNSTON. He constructed the plant in 1936.

Mr. WIGGLESWORTH. Have you had other estimates on it than his?

Mr. JOHNSTON. No; we have not gone to bids yet.

Mr. WIGGLESWORTH. Can you get the materials if you do convert?

Mr. JOHNSTON. The War Production Board has told the Bureau of the Budget that they will give the priorities if the appropriation is made.

Mr. LUDLOW. Have you had to make any repairs on the plant to date—that is, minor repairs?

Mr. JOHNSTON. Yes; putting one length of pipe in one place and a valve in another place to keep it up to date. We try to keep the boiler in constant repair. It is practically new.

Mr. RABAUT. Of course, if you use the two plants in the winter months that is when you would have the largest demand for fuel. I mean in the center of the winter, when it is cold. There would not be much to be gained by having one plant for oil and one plant for coal, although at certain times of the year if you had just an oil plant to take the chill out it would be a great help.

I am thinking about after the war is over. A stand-by furnace for coal is an advantage in most institutions, because you have two types of furnaces, an oil furnace and a coal furnace, and that is the ideal situation if you can get it. Of course, there would not be much of a saving. There would be a saving of half of the fuel, but, under your statement, if you use both boilers in the winter months, in the cold months, that is when the most fuel would be used, so we would not be effecting the purpose that is desired.

Mr. JOHNSTON. I am asking permission to add to the record a statement of our consulting engineer, Mr. Pagenhardt, on the cost to install a third coal-fired boiler, and its practical features, without conversion of the present oil-fired equipment.

WASHINGTON, D. C., May 10, 1943.

Subject: Conversion from oil to coal of your power plant.

Mr. V. D. JOHNSTON,

Treasurer, Howard University, Washington, D. C.

DEAR MR. JOHNSTON: Supplementing my basic report to you of the cost of conversion of your power plant from oil to coal I have based my cost on converting the two available 200,000-horsepower steam generators, using water-cooled, multiple retort inclined stokers in these two boilers, which together with the necessary changes in boiler construction and concrete work, including necessary coal-storage and ash-handling equipment, brought this cost to almost \$220,000, not including engineering and administration fees.

Of this cost only about \$100,000 are critical materials requiring preference rating while the balance would consist of concrete, tile, brick, and other noncritical materials and labor.

Considerable thought has been given to the installation of a third boiler in the available space but the War Production Board has so far denied any application for a new boiler and probably will continue to do so.

The installation of a used boiler would probably be granted by the War Production Board together with the installation of a suitable stoker. Such a boiler would probably not exceed 440 horsepower, would be 20 years old, and would cost

about \$60,000 to install. In addition, coal-storage, ash-storage, coal-handling, and ash-handling equipment would have to be installed to the amount of an additional \$60,000, making the total cost of this amended project \$120,000 not including engineering and administration fees.

This amended project would not change the existing oil-burning boilers and would call for both coal and oil burning during the coming winter.

Upon the termination of the war effort the used boilers would have to be discarded entirely as they would not be suitable for carrying the entire load.

Yours very truly,

M. H. VON PAGENHARDT,
Consulting Engineer.

DATA ON COST AND CONVERSION OF POWER PLANT

The CHAIRMAN. Is there anything further?

Mr. JOHNSTON. I also offer a prepared statement and ask that it be made a part of the record.

(The statement is as follows:)

I. THE PRESENT HOWARD UNIVERSITY POWER PLANT—ITS COST, EQUIPMENT, AND OIL CONSUMPTION

A. DATE OF COMPLETION AND COST

The Howard University power plant, which supplies the entire university and Freedmen's Hospital with steam and electricity, was completed in July 1936 at a cost of \$572,942.43, to take the place of the antiquated and inadequate plant previously provided at the Freedmen's Hospital.

B. EQUIPMENT

This plant contains the following major equipment:

1. *Steam generation.*—Two Union radiant heat boilers, type N, 555 boiler horsepower; 5,550 square feet of heating surface; 3,250 cubic feet furnace volume; 200 pounds working pressure; 50° F., superheat; 36 feet over-all height; 15 feet over-all width; 34 feet over-all depth. Side walls and bridges are water cooled; furnace floor is air cooled. Operates under forced draft and induced draft with preheated air; 45,000 pounds of steam guaranteed actual output per hour continuously (1,400 boiler horsepower, 250-percent rating); 69,000 pounds of steam guaranteed actual output (2,160 boiler horsepower, 300-percent rating); Brooke F. A. R. automatic combustion control; stack is 125 feet high, 9 feet in diameter. Five Bethlehem-Dahl mechanical atomizing burners are on each boiler. Two fuel-oil heaters capable of heating 8,000 pounds of oil per hour; 14°–16° Baumé from 90° F. to 250° F., with steam. Two steam turbine operated Quimby screw pumps each of which can deliver 15 gallons of oil per minute at 250 pounds pressure. Two horizontal, duplex piston type feed-water pumps capable of supplying water against a boiler pressure of 200 pounds. These pumps are in very bad condition. One 3,000-gallon surge tank and one open type, direct contact, metering de-aerating heater which can deliver 138,000 pounds of heated and de-aerated feed water per hour. There are two 17,500-gallon steel oil tanks for fuel oil. There are two forced draft and two induced draft fans.

2. *Electric generation.*—Two turbo alternators rated at 500 kilowatts, at 80 percent power factor 4,000/2,300 volts, 4-wire, 60-cycle, 3-phase, operating at 3,600 revolutions per minute. Turbines supplied with steam at 200 pounds pressure, 50° F., superheat. One motor-driven and one steam-driven exciter. One 4,000-volt, 3 phase, 60-cycle, 1,200-revolutions-per-minute synchronous motor having an input rating of 375 kilovolt-amperes, at 80 percent leading power factor, directly connected to a 240/120 volt, 3-wire direct-current generator having an output rating of 250 kilowatts, continuous to 312.5 kilowatts, for 2 hours with a steam turbine for starting. One 250-kilowatt, 240/120 volt, 3-wire direct-current generator directly connected to an Ames Uniflow engine.

C. FUEL-OIL CONSUMPTION

At the time when this plant was constructed the competitive bids showed that a plant for the use of fuel oil would cost approximately \$80,000 less than a plant equipped to use coal. At that time, 1934, moreover, it was believed that oil

would be a cheaper factor than coal, and that the manpower required for oil as a fuel would be less than that needed for coal as a fuel. For these reasons, the plant was equipped for fuel-oil consumption.

The consumption of fuel oil in barrels since the power plant began operation, by fiscal years, is as follows:

	<i>Barrels</i>
1936-37-----	37, 586
1937-38-----	36, 247
1938-39-----	35, 538
1939-40-----	38, 438
1940-41-----	33, 957
1941-42-----	39, 215

II. THE RULING OF THE PETROLEUM ADMINISTRATOR FOR WAR REQUIRING THE CONVERSION OF THE PLANT FOR THE CONSUMPTION OF COAL AND THE SUPPORTING RULINGS OF THE WAR PRICE AND RATIONING BOARD IN THE ENFORCEMENT THEREOF

A. Under date of January 21, 1943, the Office of Petroleum Administrator for War notified Howard University that "It is the opinion of our engineers that your oil-fired equipment can be converted satisfactorily to the use of an alternate fuel—such as coal, at a reasonable cost." In this letter the Petroleum Administrator further stated that "To avoid the possibility of any disruption in the use of your equipment by having fuel-oil deliveries shut off through the application of the above regulation, it is advised that conversion of your oil-fired equipment be completed without delay." (See letter attached hereto.)

B. Under date of January 27, 1943, the Petroleum Administrator for War further notified Mr. Leo L. Miller, Budget Officer, Federal Security Agency that the oil-fired equipment of Howard University was surveyed by one of their consultation engineers on January 15, 1943, and that "based upon the information contained in our engineer's survey report, together with other information we have in our files, it is now our opinion that this oil-fired equipment can be converted satisfactorily to the use of alternate fuel, such as coal, at a reasonable cost." and further, "to avoid the possibility of any disruption in the use of the oil-fired equipment at this location by having fuel-oil deliveries shut off through the application of the above regulation (Limitation Order L-56, as amended), it is advisable that conversion of the oil-fired equipment be completed without delay." (See letter attached hereto.)

Attention is respectfully called to the word "now" in this communication. This word has reference, no doubt, to the efforts made by Howard University from May 1942 to July 13, 1942, to have the Office of the Petroleum Administrator for War approve plans for the conversion of the Howard University power plant at that time. In May 1942, when Howard University became aware of the desire of the Petroleum Coordinator to have all plants, as far as possible, converted to the use of coal, the university acted quickly to have an able consulting engineer prepare a survey to determine the best means and the cost of converting to coal. This survey was completed on June 29, 1942, and was subject to criticism as to the soundness of its technical aspects by Mr. John F. Barkley, Fuel Conservation Service, Bureau of Mines. Thereafter on July 13, 1943, this survey, with the proposal to convert, was presented to Mr. N. F. Foulds, Chief of the Fuel Oil Section of the Petroleum Coordinator's Office, with the request for his approval. The approval was then denied on the ground that priority for critical materials in the amount required for such conversion could not then be obtained.

It is apparent that the decision of the Petroleum Administrator under date of January 21, 1943, represents a reconsideration of the entire matter and a decision not only to approve but to require the conversion of the Howard University oil-fired equipment without delay.

C. By a decision of the War Price and Rationing Board No. 30, under date of February 1, the fuel oil available to Howard University was reduced approximately 50 percent. (See letter attached hereto.)

D. By a decision of the Office of Price Administration under date of February 10, 1943, Howard University was "notified that no fuel oil can be rationed to you, and oil ration coupons issued to you will not be valid for use beyond the end of such period as the Petroleum Administrator for War may determine to be necessary to convert your facilities." (See letter attached hereto.)

E. Under date of February 19, the Office of Petroleum Administrator for War notified Howard University as follows: "It is regretted that the increased

demands of the armed forces for petroleum products does not permit the assurance of the continuance of your present position to secure even a limited amount of fuel oil. Therefore, immediately review and accelerate your conversion plans. Conversion is your assurance against interrupted operations." (See letter attached hereto.)

III. ESTIMATE OF COST AND DETAILS OF CONVERSION

The following is a report of the consulting engineer, Maximilian von Pagenhardt, on the conversion of the power plant from the use of oil to coal as fuel. The report includes in addition to the estimate of cost, details of the changes proposed to accomplish this result and is quoted in full for that reason.

FEBRUARY 15, 1943.

DR. MORDECAI W. JOHNSON,
President, Howard University,
Washington, D. C.

Subject: Estimate of cost of conversion from fuel oil to coal for your heat, light, and power plant, Howard University, Washington, D. C.

SIR: There is submitted herewith my report on the estimate of cost of converting from fuel oil to coal your heating plant of the Howard University, Washington, D. C.:

1. Your heat, light, and power plant was constructed in 1935 and 1936. Its basic design contemplated both oil fuel and coal fuel, as reflected in the construction of a basement under the boilers, but fuel oil was chosen by the board of award at that time, as the cost of the project with oil as fuel required a considerably smaller investment than with coal as fuel. The lowest bids on the seven items comprising the heat, light, and power plant (received in May 1934, which was at the depth of the depression) based on fuel oil as fuel, was approximately lower by \$50,000 than with coal as fuel.

2. To change from fuel oil to coal fuel at this time requires a great deal more work and materials than if the coal-burning equipment had been installed originally, as the boilers and furnaces would have been designed for coal fuel. But they have been constructed for oil as fuel, and it will now be necessary to reconstruct and alter considerably both the boiler water walls and furnace construction in order to adapt them to coal fuel. The water walls must be carried downward to below the grate line of the stokers, necessitating the reconstruction of the boiler furnaces, concrete pits have to be installed both in front and in rear of the boilers, all in addition to the new coal stoker equipment, coal storage equipment, coal handling equipment, combustion control, ash handling and ash storage equipment, all at prices almost doubled since 1934, and to be installed with labor prices more than doubled.

3. The cost of converting your heat, light, and power plant from fuel oil to coal has been carefully estimated and will require for firing with water-cooled inclined, multiple-retort stokers, and self-loading and self-unloading coal-storage equipment for 10-day capacity, ash-handling equipment, and related changes, \$229,512.00.

Detailed estimates of cost are attached hereto.

4. I am enclosing blueprint showing the method of coal firing, coal handling, and ash handling proposed. The silo method of storing and handling the coal has been proposed, because of the shortage of critical steel materials preventing us from using either steel or cast iron for the coal and ash bunkers.

5. The immediate purpose of the conversion from fuel oil to coal is the saving of 40,000 barrels of fuel oil per annum.

6. There will also be realized an annual saving in the cost of fuel of \$25,000, when comparing the relative present cost of the two fuels.

7. It is recommended that you ask for an appropriation of \$229,512 for the complete cost of the conversion of the heat, light, and power plant from oil to coal.

8. The method of firing the two steam generators of the heat, light, and power plant with multiple retort, inclined, water-cooled stokers, or their equivalent, has been chosen, after a long study of every possible method of firing, because of the advantage of this type of stoker in its inherent greater capacity per square foot of grate, its ability of taking care of poorer grades of coal, and its best compliance with the rigid smoke laws and fly-ash laws of the District of Columbia, and its noiselessness in operation, all of which is doubly important in the case of the heat, light, and power plant of the Howard University, with its location flanked on one side by the Freedmen's Hospital demanding absolute quiet and

flanked on two other sides by the Wonder Bakery, demanding absolute cleanliness.

9. The method of burning coal with pulverized-coal-burning equipment has been considered in detail but has been rejected because of the objectionable noise of the grinders and because of the objectionable fly-ash, requiring the installation of fly-ash precipitators and fly-ash collectors, as required by the District of Columbia, but which cannot be manufactured, in accordance with the directives of the War Production Board, save for war-effort installations.

10. The work of conversion of the boilers from fuel oil to coal has to proceed on a one-boiler-at-a-time basis, and it may take 90 days to make the new installation on one boiler. The installation of the coal and ash handling equipment can proceed uninterruptedly. The time required for conversion is estimated, therefore, at from 6 to 8 months, under the present circumstances.

11. The type of coal-handling equipment has been selected for its simplicity and least amount of critical materials. It consists of a single unit coal elevator lifting the coal to a sufficient height to permit gravity discharge to the live storage of the coal silo and from there by gravity to the stoker hoppers.

12. The type of ash-handling equipment has been selected with the view of providing for dustlessness of operation and during unloading.

Yours very truly,

(Signed) MAXIMILIAN VON PAGENHARDT,
Consulting Engineer.

FEBRUARY 15, 1943.

ESTIMATE OF COST—CONVERSION FROM FUEL-OIL TO COAL-FIRING HEAT, LIGHT, AND POWER PLANT, WASHINGTON, D. C., USING MULTIPLE-RETORT INCLINED STOKERS, WATER COOLED OR EQUIVALENT; CAPACITY, 55,000 POUNDS STEAM PER HOUR

BACKGROUND

There are now two Union Iron Works water-tub boilers, each having a heating surface of 5,550 square feet, and, in addition, complete sidewater walls, bridge-wall water walls, and Prat Daniel air preheaters, each boiler equipped with five Bethlehem oil burners, capable of developing 55,000 pounds of steam per hour continuously. Each boiler is served by a forced-draft fan having a capacity of 20,000 cubic feet per minute against 5-inch static pressure (24 horsepower) and by an induced draft fan having a capacity of 36,000 cubic feet per minute against 3.5-inch static pressure (40 horsepower).

Steam pressure 200 pounds per square inch gage. Superheat 100° F.

The winter load during 1941-42 has been as high as 50,000 pounds of steam per hour, requiring the firing of all 5 burners.

The brick setting of the boilers is of the air-cooled steel-supported type, with a clear height of about 20 feet from the furnace floor to the tube bank. The furnace volume of each boiler is 3,250 cubic feet. The furnace width is 10 feet measured inside of walls, 9 feet 7 inches measured inside the water walls, and 8 feet 11¾ inches inside of the lower water wall headers.

The furnace length is 16 feet 3 inches inside of front and rear walls, and 15 feet 10¾ inches measured from inside of front wall to front face of bridge wall water wall tubes.

Summary estimate of cost of project—conversion from oil to coal, heat, light, and power plant, Howard University, Washington, D. C.

Item No.	Description of work (all work for 2 boilers)	Material cost	Man-hours	Rate per hour	Labor in dollars
1	Take boilers off the line; remove steel casings and brick settings below upper side-wall headers, also same back of bridge wall; remove entire front wall; remove oil burners and store; miscellaneous expense, gas, and air shab for tools and men	\$200	1,280	\$1.50	\$1,920
2	Remove side water wall tubes; remove bridge water wall tubes	200	288	1.80	518
3	Remove lower side water wall headers; bridge wall headers and feeders for 2 boilers	100	144	1.80	259
4	Excavate for rear pit and remove rear wall in basement to make room for ash hopper and rear pit	150	740	1.50	1,110
5	Excavate for front pit and remove front wall to depth of wind box	100	500	1.50	750

Summary estimate of cost of project—conversion from oil to coal, heat, light, and power plant, Howard University, Washington, D. C.—Continued

Item No.	Description of work (all work for 2 boilers)	Material cost	Man-hours	Rate per hour	Labor in dollars
6	Concrete and form work for front and rear pit, 40 yards, at \$20.....	\$800	\$640	\$1.50	\$960
7	Relocate boiler support beams at lower level, 4 sides.....	100	360	2.00	720
8	Relocate 3 water-wall headers in new position, with supports for same.....	400	324	2.00	648
9	Furnish and install side walls and doors for type of stoker (by Union Iron Works).....	3,900	640	1.80	1,152
10	Furnish and install armor block on same (manufacturer).....	4,100	480	1.80	864
11	Furnish and install bridge wall water wall tubes.....	700	160	1.80	288
12	Furnish and install armor for same (by manufacturer).....	3,200	320	1.80	576
13	Furnish and install new feeders to U. I. W. water wall headers.....	660	160	1.80	288
13a	Furnish and install new feeders and risers to water-cooled stoker headers.....	660	320	1.80	576
13b	Special machinist work in field cutting holes in boilers.....	800	320	2.20	704
14	Furnish and install two cinder hoppers under stokers.....	1,800	320	1.80	576
15	Furnish and install 2 ashpits in basement, not including refractory cast-iron sides and fronts concrete rear wall.....	3,000	480	1.80	864
16	Furnish and install 36-inch exhaust fan with duct.....	2,000	500	1.80	972
17	Furnish and install water-cooled stokers (or equivalent) complete with motors, etc., installed in place.....	46,000	3,600	1.50	5,400
18	Furnish 2 extension hoppers with supports.....	600	200	1.50	300
19	Piping to steam dump.....	300	120	1.80	216
20	Electric wiring to motors.....	400	200	2.20	440
21	Changes in existing forced-draft ducts.....	2,000	500	1.80	900
22	Refractory work in 2 boiler furnaces: (a) Firebrick, HyTemp, REDBRICK, \$1,000 boiler.....	2,000			
	(b) American Arch Co. materials.....	3,500			
	(c) Insulation.....	800			
	Labor of installation.....		1,400	1.50	2,100
23	Refractory work in 2 ash pits, both boilers.....	800	250	1.75	375
24	Cement work finishing floors and pits, front, rear, and both sides of boilers, including steps and railings.....	800	500	1.75	750
25	Combustion control for 2 boilers in connection with Reeves drive: (a) Equipment.....	4,000			
	(b) Pipe, valves, and fittings.....	500			
	(c) Linkage, shafting.....	150			
	(d) Wiring.....	150			
	Labor of installation: (a) Mechanical.....		400	1.80	720
	(b) Electrical.....		80	2.00	160
26	Coal-handling equipment: 1 25-foot O. D. diameter by approximately 60-foot high concrete silo and 1 coal elevator with receiving hopper at grade and discharge chute to top of silo, distributing hopper, and from there to both stoker hoppers.....	19,500	4,000	1.50	6,000
27	Roadway in courtyard, concrete pit, grid hopper, miscellaneous work.....	1,250	700	1.50	1,050
28	Ash-handling equipment: 1 10- by 20-foot tile storage tank on concrete piers, capacity about 20 tons; 1 8-inch ash conveyor, separator, exhaustor, washer, timer, filter motor-driven valves, etc.....	10,000	3,000	1.50	4,500
	Concrete foundation and support platform, concrete tile tank roof.....	1,500	900	1.50	1,350
	Add for unloader.....	3,500	900	1.50	1,350
	Trenchwork in basement and floor.....	800	400	1.50	600
	Piping, valves, and fittings.....	1,000	400	1.80	720
	Electrical work.....	250	150	2.20	330
29	Insulation and painting.....	800	600	1.50	900
30	Gas and air, welding materials.....	400			
31	Cleaning up debris.....		200	1.00	200
	Grand total.....	123,870	26,516		43,362

SUMMARY

Total materials as listed.....	\$123,870
Labor, 26,516 man-hours, at \$1.63 per hour.....	43,362
Add 12 percent for labor for compensation and social security.....	5,203
Total material, labor, and insurance.....	172,435

Add 10 percent for superintendence, tools, etc-----	\$17, 244
	189, 679
Add 10 percent for overhead and profit-----	18, 968
	208, 647
Add 6 percent of \$208,647 for engineering fee-----	12, 519
Add 4 percent of \$208,647 for administration-----	8, 346
Grand total-----	229, 512

IV. THE WARTIME IMPORTANCE OF THE SWIFTEST POSSIBLE ACCOMPLISHMENT OF THE REQUIRED CONVERSION OF THE HOWARD UNIVERSITY POWER PLANT

A. The general nature of the work of Howard University is well known to the Congress. Its wartime significance, however, may need to be reemphasized.

B. The power plant at Howard University is the sole source of supply for heat, light, and power to the medical center composed of the Freedmen's Hospital and the Howard University colleges of medicine, dentistry, and pharmacy. This is one of two medical centers in the United States for the training of Negro physicians, surgeons, dentists, nurses, pharmacists, and other medical personnel. The War Department has considered this center to be of such importance that it has uniformly exempted from the services every member of the teaching staff of medicine and the professional staff of the hospital and all students in medicine and dentistry. The continued operation of this center is essential for the armed services.

C. The school of engineering and architecture, the departments of chemistry, physics, and mathematics, have been designated by the War Department and by other wartime governmental agencies as vehicles for the training of engineers, chemists, physicists, and mathematicians for the armed services and wartime industry.

Up to September 30, 1942, the university had trained 1,250 persons in the engineering, science, management war training, under the supervision of the United States Office of Education. Now 516 additional persons are enrolled in these classes. In order to meet the necessities of the wartime services, the university has extended its classes from 8 o'clock in the morning until 10:30 at night and has put all educational programs on a 12-month accelerated basis, with its administrative and auxiliary employees on a 48-hour basis per week.

D. Notice has been received from the War Department and the War Manpower Commission that Howard University has been chosen also for the Army specialized-training program. This program will require facilities at Howard University, beginning in June 1943, for 400 engineers and 375 medical and dental students, and continuing throughout the duration of the war.

It is clear, therefore, that the continued operation of Howard University and the Freedmen's Hospital is a wartime necessity inasmuch as the hospital the colleges of medicine, dentistry, pharmacy, the school of engineering and architecture, and the departments of chemistry, physics, and mathematics are already heavily involved in the production of personnel essential for the operation of the war services and inasmuch as notice has been received from the War Department and the War Manpower Commission that the further facilities of the university are to be made use of for the Army specialized training program, including the continued operation of the Reserve Officers Training Corps.

V. THE TIME ELEMENT OF CONVERSION AND THE POSSIBLE RECOVERY OF THE COST

A. It is to be noted that from 6 to 8 months will be required, according to the advice of the consulting engineer, to convert the power plant for use of coal. (See sec. 10, p. 8.) This means that if the appropriation can be had as early as June 1, the plant can be fully converted as early as December 15. Such a schedule will enable the university and the hospital to be in position to make use of coal before the hard winter season of 1943-44 begins.

B. It is further to be noted that, according to the consulting engineer's estimate, an annual saving of \$25,000 in the cost of fuel will be realized when the conversion to coal is completed. (See sec. 6, p. 8.) It thus appears that within a period of approximately 9 years after conversion, the entire cost of conversion will have been saved through the reduced cost in fuel.

VI. APPENDIX: IMPORTANT LETTERS FROM THE EXECUTIVE WAR AGENCIES, BEARING UPON THE SUBJECT OF THIS APPROPRIATION

No. 1

DECEMBER 28, 1942.

DEAR APPLICANT: Your application Form OPA R-1101 for fuel oil fails to state that your fuel-oil-burning equipment cannot be converted to use fuel other than fuel oil. Unless you submit satisfactory proof that conversion cannot be completed by January 6, 1943, the rations issued to you for periods 3, 4, and 5 will be canceled.

Very truly yours,

LOCAL PRICE AND RATIONING BOARD NO. 30,
N. L. SANDERSON, *Board Chairman*.

No. 2

PETROLEUM ADMINISTRATION FOR WAR,
New York, N. Y., January 21, 1943.

HOWARD UNIVERSITY HOSPITAL POWER PLANT,
Washington, D. C.

GENTLEMEN: This is in reference to our engineer's inspection survey report of January 15, 1943, concerning the conversion of your oil-fired equipment located at your hospital power plant, Washington, D. C.

Based on information in this office, it is the opinion of our engineers that your oil-fired equipment can be converted satisfactorily to the use of an alternate fuel such as coal, at a reasonable cost.

Your attention is, therefore, directed to the attached excerpt from amendment No. 4 to Limitation Order L-56, as amended.

To avoid the possibility of any disruption in the use of your equipment by having fuel-oil deliveries shut off through the application of the above regulation, it is advisable that conversion of your oil-fired equipment be completed without delay.

Please advise us the date this conversion is completed and the number of barrels of fuel oil conserved.

Sincerely yours,

L. B. DAVIS,
Director of Marketing, District 1.

No. 3

PETROLEUM ADMINISTRATION FOR WAR,
January 27, 1943.

MR. LEO L. MILLER,
Budget Officer, Federal Security Agency,
Washington, D. C.

MY DEAR MR. MILLER: The oil-fired equipment of the Howard University Hospital, located at 2200 Sixth Street NW., was surveyed by one of our combustion engineers on January 15, 1943. Based upon the information contained in our engineer's survey report, together with other information we have in our files, it is now our opinion that this oil-fired equipment can be converted satisfactorily to the use of an alternate fuel such as coal, at a reasonable cost.

Because of your interest in the continued operation of this hospital, your attention is directed to the attached excerpt from Limitation Order L-56, as amended.

To avoid the possibility of any disruption in the use of the oil-fired equipment at this location by having fuel-oil deliveries shut off through the application of the above regulation, it is advisable that conversion of the oil-fired equipment be completed without delay.

Please instruct Howard University Hospital to advise us the date this conversion is completed and the number of barrels of fuel oil conserved.

Sincerely yours,

P. A. BEST,
Assistant Director of Marketing.

No. 4

(Received February 1, 1943.)

DEAR FUEL-OIL USER: A recent amendment to the fuel-oil regulations provides that heating rations, issued for nonresidential space be reduced from 66 $\frac{2}{3}$ percent of normal consumption to approximately 50 percent of normal consumption for heating periods 3, 4, and 5.

As more than 30 percent of the floor area in your buildings is used for non-residential purposes, you are required to present your coupon sheets to this Board in order that such a reduction may be effected.

The amendment further provides that no supplier or dealer may deliver fuel oil to you for use for heating purposes after February 1, 1943, unless your ration has been reduced as stated above.

For your convenience all local war price and rationing boards are remaining open from 9 a. m. to 9 p. m., Wednesday, January 20, 1943, through Friday, January 29, 1943.

Yours very truly

W. L. SANDERSON,
Chairman, War Price and Rationing Board No. 30.

No. 5

OFFICE OF PRICE ADMINISTRATION,
New York, N. Y., February 10, 1943.

HOWARD UNIVERSITY,

Washington, D. C.

GENTLEMEN: The fuel-oil-rationing regulations (sec. 1394.5151 (a)) provide that—

"No ration shall be issued or used * * * (3) for the operation of convertible facilities for furnishing heat or hot water, or both, to premises other than private dwellings, except to the extent necessary to operate such facilities until the earliest date when conversion can be completed."

In order to expedite the necessary conversions, the Petroleum Administration for War has undertaken to assist in determining the convertibility of equipment using substantial amounts of fuel oil. Since your facilities under regulations are deemed to be convertible in the absence of satisfactory proof to the contrary, you are hereby notified that no fuel oil will be rationed to you, and oil-ration coupons issued to you will not be valid for use beyond the end of such period as the Petroleum Administration for War may determine to be necessary to convert your facilities, if they are found to be convertible.

It is therefore essential that you immediately obtain a certificate from the engineer of the Petroleum Administration for War located in the nearest War Production Board district office, a list of which is enclosed, that conversion materials and equipment are not available or that conversion is impossible in your case. To apply for such certificate, it is necessary that you complete the enclosed form and mail such form to the War Production Board district office, attention of Petroleum Administration for War Engineer. The determination that your facilities are or are not convertible will be sent to your local Office of Price Administration rationing board, which will then communicate with you. Unless we are advised that your application has been made to the Petroleum Administration for War Engineer within 5 days from the receipt of this letter, appropriate instructions will be issued with respect to denial of fuel oil rations.

Those whose heating installations are obviously convertible, as well as applicants for certificates, may obtain further information from, and file priority applications for conversion materials at the nearest War Production Board district office. Local rationing boards have been advised of this communication and will be guided accordingly.

We know that you appreciate that only the extreme seriousness of the fuel-oil situation makes necessary this drastic action.

Very truly yours,

SYLVAN L. JOSEPH,
Regional Administrator.

No. 6

(Received February 19, 1943)

PETROLEUM ADMINISTRATION FOR WAR

SUITE 1104, CHANIN BUILDING

New York, N. Y.

PAW-C

The enclosed denial of your application for confirmation of operations you have listed as being on schedule A of petroleum distribution order No. 3 requires you to make immediate efforts to convert your plant to the use of an unrestricted fuel.

Any previous concepts of your ability to convert must be reviewed in the light of today's critical fuel oil supply. It is regretted that the increasing demands of the armed forces for petroleum products does not permit the assurance of the continuance of your present position to secure even a limited amount of fuel oil.

Therefore, immediately review and accelerate your conversion plans. Conversion is your assurance against interrupted operations.

Sincerely yours,

(Signed) L. B. DAVIS,

Director of Marketing, District 1.

SATURDAY, MAY 8, 1943.

ESTIMATE OF COST OF CONVERSION OF POWER PLANT OF HOWARD UNIVERSITY

STATEMENT OF J. F. BARKLEY, CHIEF, DIVISION OF SOLID FUELS
FOR WAR, BUREAU OF MINES

The CHAIRMAN. Mr. Barkley, we had an estimate this morning for a deficiency appropriation for transforming the heating plant at Howard University and Freedmen's Hospital from oil to coal. I understand that you passed upon that estimate.

Mr. BARKLEY. Well, I passed upon the engineering side of it, but I did not work out the details of the actual costs. I did work on the fundamentals of the engineering, and it was done according to what I considered the right way to do it.

The CHAIRMAN. You approved the engineering?

Mr. BARKLEY. I approved that part of it.

Mr. TABER. How big a job is that? How large are the boilers? They have two boilers, do they not?

Mr. BARKLEY. Yes; there are two boilers, and they are rated at about 45,000 pounds of steam power each, or, on basis of the amount of heating service, around 550 horsepower each. I believe it is 555, or some such figure.

Mr. TABER. And both of them are oil burners?

Mr. BARKLEY. Yes, sir.

Mr. TABER. And installed for that purpose?

Mr. BARKLEY. Yes, sir.

Mr. TABER. How long have they been in?

Mr. BARKLEY. It has been 6 or 7 years, I suppose.

Mr. BUTTS. Since 1936, I believe.

Mr. BARKLEY. I worked with them about that time, but I do not remember the exact year.

Mr. TABER. Do they require the bulk of these boilers running all of the time through the winter, or can they get along pretty well with one?

Mr. BARKLEY. Well, they can carry the load, for the most part, on one boiler.

Mr. TABER. What does it cost to convert from oil to coal in general per boiler horsepower.

Mr. BARKLEY. Well, I do not believe I could give a very acceptable figure for all sorts of plants, because each plant is an individual study; and you have to build up your estimates. It all depends upon the loads carried and whether or not it can be a simple conversion or whether it is rather complicated. I do not think the costs are much out of line, by just looking at them, under the present set-up.

Mr. TABER. You mean \$229,000 for converting these two boilers?

Mr. BARKLEY. Yes, sir.

Mr. TABER. \$229,000 seems to be a pretty big price.

Mr. BARKLEY. It is a big price.

Mr. TABER. Isn't it more than the cost for a new set-up of boilers?

Mr. BARKLEY. For an entirely new job? Not for those two sized boilers. The costs go unusually high right now, and that is one reason why it looks high. And I agree that it looks high.

Mr. RABAUT. Suppose, for instance, we were to put in one boiler? There is talk about increasing the size of Howard University in the future.

Mr. BARKLEY. Yes.

Mr. RABAUT. And then let these two boilers stand and do not destroy these boilers, but just put a bypass on over so that we can pass by these boilers with the new boiler and take care of what we have to do, and have these boilers stay there and use them at some future time; would it be any more expensive to do that?

Mr. BARKLEY. I might say that it is likely that Howard University would prefer to do that. There are a few little things like this that enter into that thought. It is a problem of getting the boilers, to begin with. So far as I am able to learn, they will not let you make new boilers, and you have to get an old boiler wherever you can get it. I am speaking now from the standpoint of carrying out the job.

I do not believe the cost would be a great deal different to do that, because what you would substitute for them would be this: You would have one boiler and one stoker, and so on; and you would save the cost of one stoker and changes in two boilers.

Let me see if I can put it more simply. You would put in one new boiler instead of one stoker, and the changes in the two other boilers. I think if you could buy and get the boiler it would come up somewhere near the same cost. That is just guessing at it.

Mr. LUDLOW. Do you know approximately how much oil is required with the present plant to furnish a minimum requirement of heat?

Mr. BARKLEY. According to the record here, they have been averaging somewhere around 38,000 or 39,000 barrels per year.

Mr. LUDLOW. Do you have an idea as to how much would be saved annually by the conversion of this plant to a coal-burning plant?

Mr. BARKLEY. The operating savings?

Mr. LUDLOW. The operating savings.

Mr. BARKLEY. I did not check this figure; but it is expected to be about \$25,000. I have not figured it.

Mr. LUDLOW. Do you know of any imperative reason why there should be any change at all in that plant out there?

Mr. BARKLEY. Do you mean change from oil to coal?

Mr. LUDLOW. Yes.

Mr. BARKLEY. The only reason I know is that the Petroleum Coordinator says that he will not give them any oil. That is all I know about it.

Mr. LUDLOW. I know that. But I was wondering as to the necessity for it.

Mr. BARKLEY. The necessity is not an engineering one. It is entirely—well, I hardly know how to express it.

Mr. LUDLOW. There is nothing in the equipment that suggests any necessity for it, it is an operating equipment and it is satisfactory equipment to heat the premises, isn't it?

Mr. BARKLEY. That is right. It is perfectly satisfactory. It is just the pressure that is put on by the Petroleum Coordinator, whoever cuts off the oil. That is the only pressure that I know of.

Mr. LUDLOW. Is it your understanding that there are a number of other power plants in the community here that use fuel oil?

Mr. BARKLEY. In the Federal Government there has been quite a lot of pressure put on to change.

Mr. LUDLOW. Do you happen to know whether any other changes are being made?

Mr. BARKLEY. Yes, sir; the Veterans' Bureau made quite a few changes in their plants throughout the country, and the Department of Justice has made changes.

Mr. LUDLOW. You mean conversions?

Mr. BARKLEY. I mean conversions.

Mr. LUDLOW. At a cost comparable to the cost here?

Mr. BARKLEY. Well, I do not think that any of them have had that much cost that I have heard of. It is, so far as I know, about the most costly job that has been brought to my attention in the Government.

Mr. TABER. It is only 1,100 horsepower. It ought not be so everlastingly costly as this, I don't think. I have had a little experience myself, and I do not believe I ever heard of anything that ran into such outlandish figures as this.

What they are supposed to do is to drop the boiler down a bit and put in grates and put in a stoker, isn't it? Of course, there will have to be a means of getting the coal in and the ashes out.

Mr. BARKLEY. They have to provide, first, the coal silo in which to store the coal, and get the coal down to the stokers. In addition to that, they have to have certain boiler changes. These stokers require certain new tubing on the boilers. The boilers are really slightly increased in size in applying these stokers.

Mr. TABER. The coal operation will produce more results with this tubing that they have to put in than they got previously?

Mr. BARKLEY. Well, you have a little larger boiler. But, on the other hand, these stokers cannot carry the ratings that the oil-fired job will.

Mr. TABER. They cannot?

Mr. BARKLEY. I don't think they can. However, they may approach it with this increased tubing. But, frankly, I do not believe they can quite carry the load.

Mr. RABAUT. It depends upon the fuel you use, of course.

Mr. BARKLEY. And the whole set-up. I would say that on a finely designed pulverized fuel job, such as they do now in the big plants, they might carry better loads than with oil. The question of whether oil or coal can carry higher loads depends upon the specific case.

Mr. TABER. It depends upon whether they use good stuff or whether they use soft coal dust, does it?

Mr. BARKLEY. Of course, that is all involved. I believe for that whole set-up, with the type of stokers and everything involved, that they will not get quite as good loading on it as with oil. That is just an engineering judgment on my part.

Mr. TABER. If they converted one of these boilers, could that be done for about half of what this set-up would call for?

Mr. BARKLEY. Let's look at it in this way. If they converted just one boiler, the silo and the coal handling equipment would be the same. And as to what you would save, you would definitely save changes, and stoker, and what-not, for one boiler.

I had a little intimation of what you might ask me here, and I had one of my assistants make up a little estimate on that. He estimated that if you just put in the one boiler that the cost would be approximately \$60,000 less.

Mr. RABAUT. \$60,000 less?

Mr. BARKLEY. Yes, sir—if you connected just one boiler; if you converted one of the boilers but not both of them, I believe it could be done for about \$50,000 or \$60,000 or \$70,000 less; but you would not be sure that you would not have to have some oil.

Mr. TABER. I think the Fuel Administrator would allow some oil under those circumstances.

Mr. RABAUT. If you put in one boiler you would go through all of the trouble with one boiler, or if you put in one coal boiler and only one new coal boiler, if available, you have all of the connections and all of this stuff to go through for any sized boiler; if you put in a boiler that will take care of the capacity and have these other two boilers standing by, just like they are now—I mean that if we could put this over we would be setting an example in economy. And you are going to have to buy half of that stuff to convert one of those boilers.

Mr. TABER. In what sort of shape is the building?

Mr. RABAUT. Don't you have to dismantel these boilers to convert them?

Mr. BARKLEY. Yes, sir.

Mr. TABER. Is there sufficient space in the building so that you can put in another coal boiler that would carry perhaps 700- or 750-horsepower capacity?

The CHAIRMAN. The testimony this morning was that they use only one of these at a time.

Mr. BARKLEY. If you could get the kind of boiler you need and if you can get it into that space, I believe it would pretty nearly or it might carry the load most of the time. There might be times when they would have to throw in some oil. But the trick is to get the boiler.

Mr. LUDLOW. I understand, Mr. Barkley, that this study was made by Mr. Ragenhardt, an engineer. Are you acquainted with him? What can you tell us about him?

Mr. BARKLEY. I have known Mr. Ragenhart for 18 or 20 years. He has been doing work of this nature around Washington, and he has served as a contractor for such plants. He was hired by the Department of the Interior as a consulting engineer for the St. Elizabeths Hospital when the new boiler plant was put in. His work was very satisfactory. I consider him a competent engineer.

SATURDAY, MAY 8, 1943.

VETERANS' ADMINISTRATION

STATEMENTS OF H. W. BREINING, ASSISTANT ADMINISTRATOR;
H. V. STIRLING, DIRECTOR OF VOCATIONAL REHABILITATION;
AND S. M. MOORE, JR., BUDGET OFFICER, VETERANS' ADMINISTRATION

VOCATIONAL REHABILITATION REVOLVING FUND

The CHAIRMAN. Mr. Breining, we have an estimate before us in House Document No. 176 for a deficiency appropriation for the Veterans' Administration of \$500,000 to enable the Administrator of Veterans' Affairs to carry out the provisions of paragraph 8, part VII, of Veterans Regulation No. 1 (a), as amended by Public Law 16, Seventy-eighth Congress, \$500,000, to be utilized as a revolving fund, to be immediately available and to remain available until expended.

Now, what are those regulations and what does the law provide?

PURPOSE OF FUND

Mr. Breining. The regulations governing loans from the revolving fund have not yet been promulgated. This section was patterned after the act of March 1921, which had to do with vocational training after the last war, and the purpose of this requested appropriation is to make advancements to men about to enter vocational training so that they may have sufficient money to provide themselves with the necessities of life until the payment of the pension is made to them. At the present law, the vocational allowance is to be paid from the pension appropriation.

The CHAIRMAN. This revolving fund and these loans are repayable. What percentage of them, as a matter of fact, were repaid in full?

Mr. BREINING. I do not have the percentage. I can work that out very readily; about one-tenth of 1 percent. The gross disbursements were \$1,671,000, and there were only 60 items which were uncollectible, and they aggregate only \$1,711.75.

The CHAIRMAN. That is a very favorable return.

Mr. BREINING. Usually, there is a very ready manner of collection because these men have title to a pension and a certain amount is taken out of his pay check until the amount is paid off. There are some isolated cases where a pension may be discontinued and there is no other means of collection, but as I said, the amount remaining uncollected from the group undergoing rehabilitation after the last war, is now only \$1,711.75.

The CHAIRMAN. And a provision for this sort of service is very valuable.

Mr. BREINING. It was found necessary after the last war. Originally it was necessary to secure loans from outside sources. There was a so-called Elks' fund. The Elks advanced money which upon advice of the Veterans' Administration they would advance to the trainees, but it was felt that, after considerable experience, it was better for the Government itself to do that, rather than have an outside agency offer that assistance.

The CHAIRMAN. Now, these are loans to sustain them during the interval and to get them started.

Do you also contribute to their rehabilitation, and do you bear a part of all their expenses?

Mr. BREINING. Yes. The expense of rehabilitation is all paid, that is, the tuition, and so forth, and of course there is a stated amount fixed by the law that is paid them during the period of rehabilitation.

ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN REHABILITATION TRAINING

The CHAIRMAN. Under what circumstances does a man qualify for this character of rehabilitation?

Mr. BREINING. Mr. Stirling, the Director of Rehabilitation, is here, and has put in considerable time on that. I believe that he can tell you that.

Mr. STIRLING. You asked for the eligibility requirements?

The CHAIRMAN. Yes.

Mr. STIRLING. The first requirement is that he must have been in the service.

The CHAIRMAN. Are these the regulations that were adopted and followed during the last war, or are they regulations which apply to the present war.

Mr. STIRLING. Regulations which apply to the present war.

The CHAIRMAN. In what respect do they differ from those adopted for the last war?

Mr. STIRLING. They are practically the same in the eligibility requirements, except that they do not have in the law today the qualification of feasibility; in the old law passed in June 1918 and amended in July, it declared a man eligible for training provided a course of training was feasible, but in this particular law that has been left out. However, we will attempt to apply it in putting a man in training.

The CHAIRMAN. I would hardly think that you would insist on giving a man rehabilitation training when it did not appear to be feasible.

Mr. STIRLING. That is the only basic difference.

The CHAIRMAN. Why was it omitted?

Mr. STIRLING. I really do not know, Mr. Chairman. I did not have anything to do with the writing of the law.

A person must have been in service after December 6, 1941, and before the termination of hostilities.

The second requirement is that he must be honorably discharged.

The third requirement is that he must have a service-incurred disability for which a pension is payable or would be but for receipt of retirement pay.

The fourth is that he must have a vocational handicap, and, last, he must be in need of a course of vocational rehabilitation to overcome that handicap.

(Discussion off the record.)

The CHAIRMAN. What would you interpret as a vocational handicap?

Mr. STIRLING. A vocational handicap would be determined to exist when upon the basis of the evidence of record as to the disabled person's education, occupational training, and experience, it is found that the disability will materially interfere with securing and pursuing employment comparable with that for which he is qualified by education, training, and experience.

The CHAIRMAN. What are the rest of the qualifications?

Mr. STIRLING. Those are all of the qualifications.

SUFFICIENCY OF ESTIMATE REQUESTED

The CHAIRMAN. You used a little over \$1,500,000 in the last war. How did you arrive at the exact figure of \$500,000 this time?

Mr. BREINING. It was just taken because it was used in the last war.

The CHAIRMAN. Was it ever supplemented?

Mr. BREINING. It was never supplemented at all because the collections went back in the fund.

The CHAIRMAN. And you do not anticipate that you will have to use any more than this original fund at this time?

Mr. BREINING. I do not think so at the present time. Of course, it may be that so many trainees will qualify that this amount may prove to be insufficient, and under such circumstances there is a possibility that it might be necessary to ask for an additional amount.

The CHAIRMAN. Do you anticipate a larger number than in the last war due to the larger number of enlisted men?

Mr. BREINING. Well, I think it is rather difficult to give an estimate because there are so many underlying considerations.

The CHAIRMAN. Up to this time the losses in casualties have been at a much lower percentage, considering the numbers involved, than in the last war, or in any previous war.

Mr. BREINING. Well, it is difficult to say, Mr. Chairman. I made quite a study of that in connection with insurance. During the last war, as I recall, the casualties were about 52,000 attributable as to persons who were killed in action, or died of wounds received in action. The casualties in this war are difficult of ascertainment.

The CHAIRMAN. I would like for you to supply a comparison of percentages. We have been told that the percentage of casualties and losses in this war is less per thousand men than in the last war.

Mr. BREINING. From the figures that we have available based on our insurance claims, that would be indicated, and from the information that is given out by the British Government, that would also be applicable to Great Britain.

However, there is not available to me such data as would permit of any intelligent estimate being made.

The CHAIRMAN. How many applications have you had up to the present time?

Mr. STIRLING. Mr. Chairman, so far as we know at the moment, we do not know that we have received any, because instructions just went out on April 21.

The CHAIRMAN. That is merely precautionary for the present?

Mr. STIRLING. That is right.

DATA ON REHABILITATION COSTS TO GOVERNMENT

The CHAIRMAN. When the plan is under way, what will you pay, and what will these courses in rehabilitation cost the Government? What will you contribute to the rehabilitation of each man?

Mr. STIRLING. It will depend upon the course to be furnished. If he is in need of a course to overcome his handicap, which might be a course in medicine, it would be much more expensive than putting a man in a trade industrial course for a period of 6 months.

The CHAIRMAN. Take a typical case and tell what the probable expense to the Government would be.

Mr. STIRLING. To answer that is rather difficult, but I can tell you what it cost us in World War No. 1, for a period of a 10-year program.

The CHAIRMAN. That would be a fair criterion.

Mr. STIRLING. I think that Mr. Breining probably remembers the figure better than I, but I think it was approximately \$644,000,000.

The CHAIRMAN. I mean per man, per individual.

Mr. STIRLING. I do not know, sir, whether I have that figure, but I will be glad to submit it.

The CHAIRMAN. If you can, we will be glad to have it.

(The information referred to is as follows:)

The annual report of the United States Veterans' Bureau as of 1925 states as follows:

"From the beginning of rehabilitation work to the close of business June 30, 1925, there have been provided 4,137,049 months of training with maintenance and support allowance, at a total estimated expense, including all expenses of administration of \$637,712,989, an average of 25.4 months of training and an average cost to date of \$4.080 per man entered this type of training. Training without maintenance and support allowance has been provided to the extent of 388,109 months, at a total estimated expense of \$11,709,984, an average of 17.8 months of training and an average cost to date of \$546 per man entered this type of training."

REHABILITATION LOANS TO TRAINEES

Mr. LUDLOW. How long do these loans run?

Mr. BREINING. We try to amortize the loan according to the circumstances of the individual and his ability to pay; that is, in the case of a man with a big family we would probably string it out—the installment collections—over a much longer period of time than a single man.

Mr. LUDLOW. There is no fixed time limit?

Mr. BREINING. No, sir.

Mr. LUDLOW. What has experience shown as to the approximate number of that default?

Mr. BREINING. Well, the total defaults on account of trainees of the last war were 60, aggregating \$1,711.75.

Mr. LUDLOW. Suppose that there is not residue enough to cover the obligation and you have no other security. You do not try to collect the loan at all?

Mr. BREINING. We try to collect it from any source that we can. I do not think that we have brought any suits on it, or anything like that, but these men being disabled and having pensions to start with, it is highly unlikely that you will find any but unusual cases where there will not be a recourse to the pension for collection. For some of them we may have to collect \$5 a month, but since they are on the

pension rolls generally for a long time, there is no very great difficulty in collection.

Mr. LUDLOW. You have no way in the world of estimating how many will want to take advantage of it?

Mr. BREINING. No, sir; there are so many conditions that govern that, including economic conditions.

Mr. LUDLOW. Up to date you have had no applications?

Mr. BREINING. Up to date most of the men have been taken care of by the Army—not taken care of so far as vocational rehabilitation is concerned—but so far as physical disability is concerned, and, of course, your economic conditions now are such that almost anybody is eligible for employment.

METHOD OF HANDLING APPLICATIONS FOR REHABILITATION TRAINING

Mr. SNYDER. We have had a number of boys come back from the Solomons and some from north Africa, some just a little bit disabled and some all right now. Have you taken care of any of those along the lines of rehabilitation?

Mr. BREINING. With economic conditions as they are, persons who are only slightly disabled I believe can probably be employed readily, and I do not think that it would be the policy of the Veterans' Administration to take a man who is gainfully employed out of gainful employment.

Mr. SNYDER. I am sure of that, but there are some that cannot be employed, who cannot do anything because of the nature of their wounds. Now say for example that he had lost an arm?

Mr. STIRLING. We would suggest that he make application for vocational training.

Mr. SNYDER. Suppose that he would make an application Monday. How long would it be before he could get any action?

Mr. STIRLING. Under the present practice, if a man files his application in a particular regional office, and it is decided that he meets the basic eligibility requirements and determined to be in need of a course to overcome his handicap, I think the office would put him in right away. Of course, I do not wish to create the impression that we are fully equipped with all personnel to do this job right now, but any one coming into our regional offices could be taken care of. I imagine at the present time that very few of these boys know of the law approved on March 24. Provisions have been made however whereby a man being discharged from an Army or naval hospital will have the physical examination made at induction and all of his clinical records made while in the hospital sent to the regional office. If a vocational handicap is found to exist in accordance with existing instructions he would be sent an application for vocational rehabilitation which he would probably fill out and return. If he does return it, I think that our regional office would take the case and determine whether he was in need of a course of vocational rehabilitation and make the necessary provisions for such a course.

Mr. SNYDER. Who determined where these rehabilitation centers shall be?

Mr. STIRLING. The planning and control work of this service, vocational rehabilitation service of the Veterans' Administration, is in the central office, but all of the operations are decentralized to our regional offices, one in each State.

Mr. SNYDER. I mean this: Suppose that we have 100 fellows in north Africa slightly wounded, they have to have proper medical care to nurse their wounds. Say that we have 100 of that kind.

Where do they take them?

Mr. STIRLING. To what sort of a place do they take them?

Mr. SNYDER. No; you take them to the hospital?

Mr. STIRLING. It all depends on the hospital. After a man has received the maximum medical treatment and physical rehabilitation and nothing else can be done for him, he is discharged. He is not discharged until he is medically rehabilitated. It is possible for one to be moved from the Army hospital over to the hospital of the Veterans' Administration.

Mr. SNYDER. All right; but now when we get this big number that we are likely to get from the battle fronts, I am afraid, when they come in we will have groups there that are almost cured and they could very well be taken to some of the C. C. C. camps in the mountains, like that camp at Fresh Water. It seems to me that is the place for those boys to go to to spend the first 4 or 5 months.

Mr. BREINING. As Mr. Sterling says, when they come back they are taken care of by the Army and the Navy, and after the Army and Navy decides they are not further fitted for military service, and cannot be physically rehabilitated for further military or naval service then they probably will be discharged or transferred to a Veterans' Administration hospital if they are in need of further medical care and treatment or if they remain in service and there is need for further limited medical care and treatment they might be sent to convalescent centers.

Mr. SNYDER. That is the word.

Mr. BREINING. The location of permanent facilities is under the Federal Board of Hospitalization, of which General Hines, is chairman. That Board is making a very extensive study of the whole situation with a view to locating the hospitals and convalescent centers at the most advantageous places.

Mr. SNYDER. "Convalescent centers"—that is the expression I wanted to use. I did not think we wanted to build permanent hospitals to take care of these great numbers, for then you would have those permanent structures that would have to take care of 100,000; and they might not need them.

Mr. BREINING. Well, I cannot speak officially on the subject, but I do know the Federal Board of Hospitalization is going carefully into it and surveying the situation with the idea of utilizing all facilities to the best advantage.

Mr. SNYDER. I am anxious that these boys be taken care of during their convalescent period and in their last stages: I think that is one of the morale-building features of the whole operation.

Mr. BREINING. I am sure that that is being gone into very extensively.

Mr. LUDLOW. After these disabled men are finally discharged and sent to their homes, is the decentralization such that these rehabilitation facilities are accessible to them near their homes?

Mr. BREINING. We have offices available to them in every State of the Union except Delaware.

Mr. LUDLOW. In every State of the Union?

Mr. BREINING. Except Delaware.

Mr. LUDLOW. So that the veteran would not have to go very far to avail himself of these facilities?

Mr. BREINING. There is at least one office in every State except Delaware.

The CHAIRMAN. Thank you.

SATURDAY, MAY 8, 1943.

FOREIGN WAR RELIEF

STATEMENTS OF RICHARD F. ALLEN, VICE CHAIRMAN, AND L. M. MITCHELL, DIRECTOR, INSULAR AND FOREIGN AFFAIRS, AMERICAN RED CROSS

The CHAIRMAN. Mr. Allen, we have an estimate in House Document No. 188 from the Bureau of the Budget continuing your appropriation available as of June 30, 1942. You had \$50,000,000 at one time and \$35,000,000 more subsequently, or a total of \$85,000,000. How much of that was available as of July 1, 1942?

Mr. ALLEN. As of July 1, 1942?

The CHAIRMAN. Yes.

Mr. MITCHELL. I do not think we have that balance available as of July 1, 1942. The act of 1942 consolidated unexpended balances of two appropriations in one, and I believe the consolidated balance was in the neighborhood of \$40,000,000.

The CHAIRMAN. You can supply that for the record?

Mr. MITCHELL. Yes.

GENERAL SUMMARY OF RELIEF OPERATIONS, THE AMERICAN RED CROSS, AS OF MARCH 31, 1943

Mr. ALLEN. Mr. Chairman, we have prepared a general summary of relief operations of the American National Red Cross as of March 31, 1943. It covers foreign countries, and insular possessions, and defense bases.

For the Red Cross we show expenditures of \$17,425,809.06; chapter-produced and -donated supplies amounting to \$16,336,937.18, or a total of \$33,762,746.24.

For the Government we show grand totals of chapter-produced supplies, actually shipped, amounting to \$7,999,924.92; total estimated and actual cost of other supplies purchased with Government funds, of \$30,793,739.55; and total relief made available by and through the American Red Cross of \$72,556,410.71.

The CHAIRMAN. The general summary will be inserted in the record at this point.

(The general summary is as follows:)

The American National Red Cross insular and foreign operations, general summary of relief operations, as of Mar. 31, 1943

Foreign	Red cross			Government				
	Expenditures	Chapter-produced and donated supplies	Total	Material purchased for chapter-produced supplies (includes only supplies actually shipped)	Actual cost of other supplies reported by Government (includes both shipped and purchased for shipment)	Estimated cost of other supplies	Total estimated actual cost of other supplies as reported by the Government	Total (includes material purchased for chapter-produced supplies plus actual and estimated costs of supplies as reported by the Government)
Australian.....	\$8,631.80	\$17,568.06	\$26,199.86	-----	\$108,947.33	-----	\$108,947.33	\$135,147.19
Belgian.....	60,108.09	-----	60,108.09	-----	-----	-----	-----	60,108.09
Chinese.....	1,030,661.65	52,325.60	1,082,987.25	\$408.09	2,967,660.55	\$1,128.84	1,968,789.39	4,052,184.73
French.....	421,297.02	531,584.21	952,881.23	253.01	1,480,743.83	-----	1,480,996.84	2,433,878.07
British.....	1,999,271.32	846,916.73	2,846,188.05	297,979.92	2,117,341.37	885,706.25	3,003,047.62	6,087,215.59
The British Isles.....	6,153,236.62	13,062,962.79	19,216,199.41	6,546,292.14	9,742,711.95	291,300.00	10,034,011.95	35,796,443.50
Canada.....	70,488.73	-----	70,488.73	-----	-----	-----	-----	70,488.73
Middle East.....	423,387.30	512,809.92	936,197.22	205,650.24	1,385,367.87	34,150.00	1,419,517.87	2,561,365.33
Greek.....	239,450.46	88,504.36	327,954.82	21,146.95	68,475.45	60,000.00	128,475.45	477,577.22
Dutch.....	50,000.00	-----	50,000.00	-----	-----	-----	-----	50,000.00
Icelandic.....	9,050.93	3,744.49	12,835.42	-----	-----	-----	-----	108,074.12
Indian.....	4,214.43	14,666.75	18,881.18	-----	93,415.44	-----	93,415.44	108,074.12
Irish.....	2.57	175.40	177.97	-----	-----	-----	-----	18,881.18
North African.....	5,809.03	-----	5,809.03	-----	500,000.00	500,000.00	500,000.00	500,177.97
Norwegian.....	56,912.13	-----	56,912.13	-----	82,819.64	-----	82,819.64	88,628.67
Polish.....	631,165.03	380,207.39	1,011,373.02	-----	-----	-----	-----	56,912.13
Russian.....	259,763.42	1,433,781.88	1,693,545.30	816,206.40	3,223,978.25	2,983,800.00	6,207,798.25	1,011,373.02
Spanish.....	98,364.08	2,003.98	100,368.06	1,214.02	1,618,191.26	49,297.84	1,667,489.10	8,717,519.95
Swiss.....	16,275.77	-----	16,275.77	-----	-----	-----	-----	1,769,671.18
Yugoslavian.....	42,219.77	-----	42,219.77	-----	-----	5,000.00	5,000.00	16,275.77
Other countries.....	10,497.12	54,824.20	65,321.32	27,758.41	21,123.11	11,256.00	32,373.11	47,219.77
General relief and services not allocated by countries.....	3,652,778.68	768,591.57	4,421,370.25	51,380.23	1,518,320.96	1,317,649.50	2,835,970.46	125,452.84
Chapter production.....	1,621,041.30	-1,621,041.30	-----	-----	-----	-----	-----	7,308,720.94
Total foreign war relief.....	16,164,668.45	16,149,626.03	33,014,294.48	7,910,052.67	24,346,297.3	6,222,102.07	30,568,399.44	71,492,746.59

The American National Red Cross insular and foreign operations, general summary of relief operations as of Mar. 31, 1943—Continued

Foreign	Red cross			Government				
	Expenditures	Chapter-produced and donated supplies	Total	Material purchased for chapter-produced supplies (includes only supplies actually shipped)	Actual cost of other supplies as reported by Government (includes both shipped and purchased for shipment)	Estimated cost of other supplies	Total estimated actual cost of other supplies as reported by the Government	Total (includes material purchased for chapter-produced supplies and estimated costs of supplies as reported by the Government)
<i>Insular possessions and defense bases</i>								
Hawaii	\$296,596.06	\$170,741.68	\$467,337.74	\$87,037.96	\$109,728.42		\$109,728.42	\$864,104.12
Philippines	135,829.11	9,756.68	245,585.79		54,051.00		54,051.00	239,636.79
Canal Zone	12,843.80		12,843.80					12,843.80
Puerto Rico	38,297.51	3,969.01	42,266.52	1,615.16	58,436.23	\$60.00	58,516.23	102,397.91
Virgin Islands	12,065.98	1,285.16	13,351.14	318.45	380.10		380.10	14,049.69
Newfoundland	2,063.11		2,063.11					2,063.11
Cuba	1,002.32		1,002.32					1,002.32
Bermuda	533.90	780.31	1,314.21	449.34	551.06		551.06	1,000.40
Trinidad	391.56	778.31	1,169.87	451.34	2,113.30		2,113.30	2,564.64
Curacao	45.59		45.59					45.59
Unallocated	1,471.67		1,471.67					1,471.67
Total insular war relief	561,140.61	187,311.15	748,451.76	89,872.25	225,280.11	60.00	225,340.11	1,063,664.12
Grand total	17,425,899.06	16,336,937.18	33,762,746.24	7,999,924.92	24,571,577.48	6,222,162.07	30,793,739.55	72,556,410.71

¹ \$38,793,664.47.—This figure includes supplies purchased and requisitioned, from Government funds, for direct shipment abroad in the amount of \$30,793,739.55, plus material purchased for chapter-produced supplies in the amount of \$7,999,924.92. \$13,266,745.86 represents materials en route to chapters for production, unfinished chapter quotas, or finished garments in Red Cross warehouses awaiting distribution. Total amount of supplies purchased and requisitioned from Government funds: \$52,060,410.33.

The CHAIRMAN. How much of your appropriation have you used since the start of the fiscal year 1943?

Mr. ALLEN. Since July 1, 1942?

The CHAIRMAN. Yes.

Mr. ALLEN. About \$9,000,000.

The CHAIRMAN. Then at this time you have about \$76,000,000?

Mr. ALLEN. No, sir; I said since July 1, 1942, we have spent \$9,000,000. Previous to July 1, 1942, we had shipped abroad approximately \$29,000,000 worth of supplies; that is, before July 1, 1942.

The CHAIRMAN. So that leaves your balance at the last obtainable date, how much?

Mr. ALLEN. The balance we can give you at this moment is that there are about \$31,000,000 left in that fund, according to the records of the Government agencies. Now some of that has been committed by the Red Cross, but the purchases have not been completed.

The CHAIRMAN. How much have you uncommitted?

Mr. ALLEN. About \$27,000,000.

The CHAIRMAN. About how much a month are your expenditures running?

Mr. ALLEN. About \$1,000,000 a month is what they have been running since July 1, 1942.

The CHAIRMAN. And you estimate you have ample funds to carry you to June 30, 1944?

Mr. ALLEN. Quite so, unless there is some unusual emergency which cannot be foreseen.

The CHAIRMAN. Mr. Taber, have you any questions?

Mr. TABER. Are your expenditures apt to be heavier with the opening up of new countries or are those things covered very largely under another agency?

Mr. ALLEN. That is not determined yet. We have had some conversations with Governor Lehman but there have been no decisions made as to what part we would have if any.

FEEDING CHILDREN MILK IN NORTH AFRICA

Mr. TABER. What is the nature of Red Cross operations in north Africa?

Mr. ALLEN. We are running a small program of feeding children milk. That milk, however, is provided under Lend-Lease funds. That is, they turn the milk over to us and we distribute it. It is their milk and we are acting as their distributors.

Mr. TABER. You are paying the cost of the distribution?

Mr. ALLEN. Yes, sir.

Mr. TABER. And they are delivering the milk over there?

Mr. ALLEN. Yes, sir.

Mr. TABER. It is not milk carried over there from here, is it?

Mr. ALLEN. Yes, sir; it is condensed milk, or rather concentrated milk.

Mr. TABER. It is quite a large-scale operation?

Mr. ALLEN. No, sir; it is very small; about 500 tons of powdered milk per month, and it was set up to run from January to the end of the school year which is about the 12th of June, I think.

We are also distributing a small quantity of clothing to children. The principal item in that is 25,000 layettes.

MEDICAL SUPPLIES SENT TO GREECE

Mr. TABER. Are you doing anything in reference to occupied countries; that is, such countries as Greece and Czechoslovakia and France?

Mr. ALLEN. We have sent sizeable quantities of medical supplies into Greece. We have not used the Government appropriation to send supplies into any other occupied countries since America has been in the war. Before America went in the war, that is, in the fall of 1939, we did make quite a distribution in Poland, and in the fall of 1940 we made quite a distribution in the occupied section of France, medical and hospital supplies, but that has all been discontinued now.

The CHAIRMAN. What else do you furnish besides food and clothing?

Mr. ALLEN. Oh, there are some blankets and bedding, but clothing, food, and medical supplies represent the principal commitments. There may be some incidental items of some sort or equipment that may be very necessary.

The CHAIRMAN. None of it goes for administration?

Mr. ALLEN. None of it goes for administration.

The CHAIRMAN. All of this money goes directly to the benefit of the people?

Mr. ALLEN. Well, of course, out of the congressional appropriation the freight, warehousing, and shipping is handled. We handle all of the administrative costs of the staff.

The CHAIRMAN. You have no charges against it?

Mr. ALLEN. None whatever.

The CHAIRMAN. How do you operate in occupied countries? Poland, for example, where I take it you have no American representative?

Mr. ALLEN. We have not operated in Poland since the fall of 1939, and at that time we did have American representatives.

The CHAIRMAN. I see you made quite a contribution in Poland?

Mr. MITCHELL. You will note that is a Red Cross expenditure in Poland, and not a Government expenditure.

The CHAIRMAN. How about occupied France and Greece? You are distributing material in Greece and occupied France?

Mr. ALLEN. We have sent no supplies into occupied France since the fall of 1940. There is a plan in Greece with which you are familiar, whereby the International Red Cross and the Swedish Red Cross supervise distribution.

The only thing we have sent into Greece since America came into the war has been medical and hospital supplies and they are being distributed under the supervision of the International Red Cross and the Swedish Red Cross. Greece is the only occupied country to which we have sent any supplies purchased with Government funds.

MONTHLY EXPENDITURE OF GOVERNMENT FUNDS

The CHAIRMAN. Mr. Wigglesworth?

Mr. WIGGLESWORTH. How much a month are you spending?

Mr. ALLEN. It averaged \$1,000,000 a month during the last 9 months.

Mr. TABER. That is Government funds?

Mr. ALLEN. Yes; that is Government funds, and we think it will increase materially. Of course, shipping has been a tremendous problem during the last year. It is loosening up somewhat. We are now contemplating making very sizable shipments of hospital and medical supplies, and clothing supplies to Russia, for instance.

SUPERVISION AND CONTROL OVER DISTRIBUTION OF SUPPLIES

Mr. WIGGLESWORTH. What control are you exercising to see that supplies do not find their way into the hands of the enemy?

Mr. ALLEN. Well, we are not distributing in any country which the enemy controls except Greece; where the International Red Cross and the Swedish Red Cross are acting as neutrals and supervising the distribution.

Mr. WIGGLESWORTH. You have no difficulty in that respect?

Mr. ALLEN. No; and we sent only medical and hospital supplies.

Mr. WIGGLESWORTH. What relation has your work with the contemplated work under the Lehman set-up?

Mr. ALLEN. That has not been determined. The directive signed by the President specifies he may use private agencies in the distribution but there are no decisions on that at this time.

Mr. WIGGLESWORTH. Is there a dividing line in the field covered by the two organizations?

Mr. ALLEN. Governor Lehman's directive from the President specifies that he will act in matters of relief in countries as they are liberated from Axis control. That theoretically would keep him from ever operating in any countries except those which have been under the control of the Axis.

Mr. WIGGLESWORTH. And would not the Red Cross operate in those countries?

Mr. ALLEN. We are very hopeful that we will operate in some of those countries after they are liberated, but no decision has been reached yet that we will.

Mr. WIGGLESWORTH. To what extent have the shipments been limited on account of the lack of transportation facilities?

Mr. ALLEN. Very considerably. For instance, to China, where we had a program of sending very sizable quantities of medical and hospital supplies. Shipping space was not available and those shipments were cut off almost completely when shipments could not be transported into China over the Burma Road. Our shipments to Russia have been slow because of ocean transportation and our shipments to the Middle East have gone down quite materially because of the ocean shipping.

STARVATION IN EUROPEAN COUNTRIES

The CHAIRMAN. Are there any other questions?

Mr. LUDLOW. I have just one question. I did not hear all your testimony. I would like to ask you what information has the Red Cross about malnutrition, starvation, or near starvation in European countries?

Mr. ALLEN. We have not had any authentic recent information from the countries occupied by the Axis Powers. There were reports that

have come out of Belgium. We do have rather complete reports on conditions in Greece, of a serious situation of malnutrition, but as far as other occupied countries are concerned we have no information except reports that are made by other agencies; that is, not Red Cross.

Mr. LUDLOW. A representative of Mr. Hoover's organization was to see me recently and said that they are eating cats and dogs in Belgium.

Mr. ALLEN. Well, sir, that may be true. I was in France for a year after the Germans came in, and I read in the American newspapers that they were eating cats and dogs in France, and I always questioned it. There was no reason for anybody to eat cats and dogs at that time. They were not starving, certainly.

Mr. LUDLOW. In many of the Axis-subjugated countries there is not actual starvation?

Mr. ALLEN. Greece, I think, is near it; and Poland is undoubtedly in a very serious condition at the present time. We have no reports on other countries.

AMOUNT OF SUPPLIES SHIPPED ABROAD

Mr. TABER. Do these expenditures represent actual deliveries of material to the different places that have been indicated here, or do they represent expenditures that are still in inventory on your hands and not yet delivered?

Mr. ALLEN. \$32,371,502.40 worth of supplies have actually been shipped abroad.

Mr. TABER. That is out of Government money?

Mr. ALLEN. That is out of Government money and out of American Red Cross money the amount expended is \$17,425,809.06, exclusive of the estimated value of donated supplies and the contribution of volunteers in the production of refugee garments which we value at \$16,-336,937.18.

Mr. TABER. That is for goods actually shipped abroad?

Mr. ALLEN. Yes.

Mr. TABER. Does that mean that there is approximately \$6,000,000 in inventory?

Mr. ALLEN. That means there is about \$6,000,000—no, the \$6,000,000 is in process; that is, it either has been purchased or it is some place between the vendor and the warehouse—inventory. We have in our warehouses at the present moment mostly clothing valued at approximately \$13,000,000.

Mr. TABER. That is in this country?

Mr. ALLEN. Yes; it is in this country.

Mr. TABER. Mostly clothing; part of it second hand, part of it new?

Mr. ALLEN. No; it is all new. That is the material that has been made in the chapters in every town in America that have sewing rooms, and that material comes flowing in all the time. Our shipments of that clothing and material in the last 6 months have been considerably smaller than in any previous 6-month period.

Mr. TABER. Where does most of it go?

Mr. ALLEN. Some of it went to England. We are now shipping one-half a million dollars' worth to the Middle East for refugees who

are in Iran and down in central Africa, and then we expect to ship large quantities of clothing to Russia. They requested clothing.

Mr. TABER. There is not much need for clothing in the tropical zones like the seats of warfare in the Far East at the present time?

Mr. ALLEN. Well, there is, of course, a tremendous need for clothing in China, which we are unfortunately unable to meet, but there is no great need for clothing in the Pacific islands and Australia, and that section. We have not sent any clothing into those sections.

The CHAIRMAN. Is there anything further?

Thank you, Mr. Allen.



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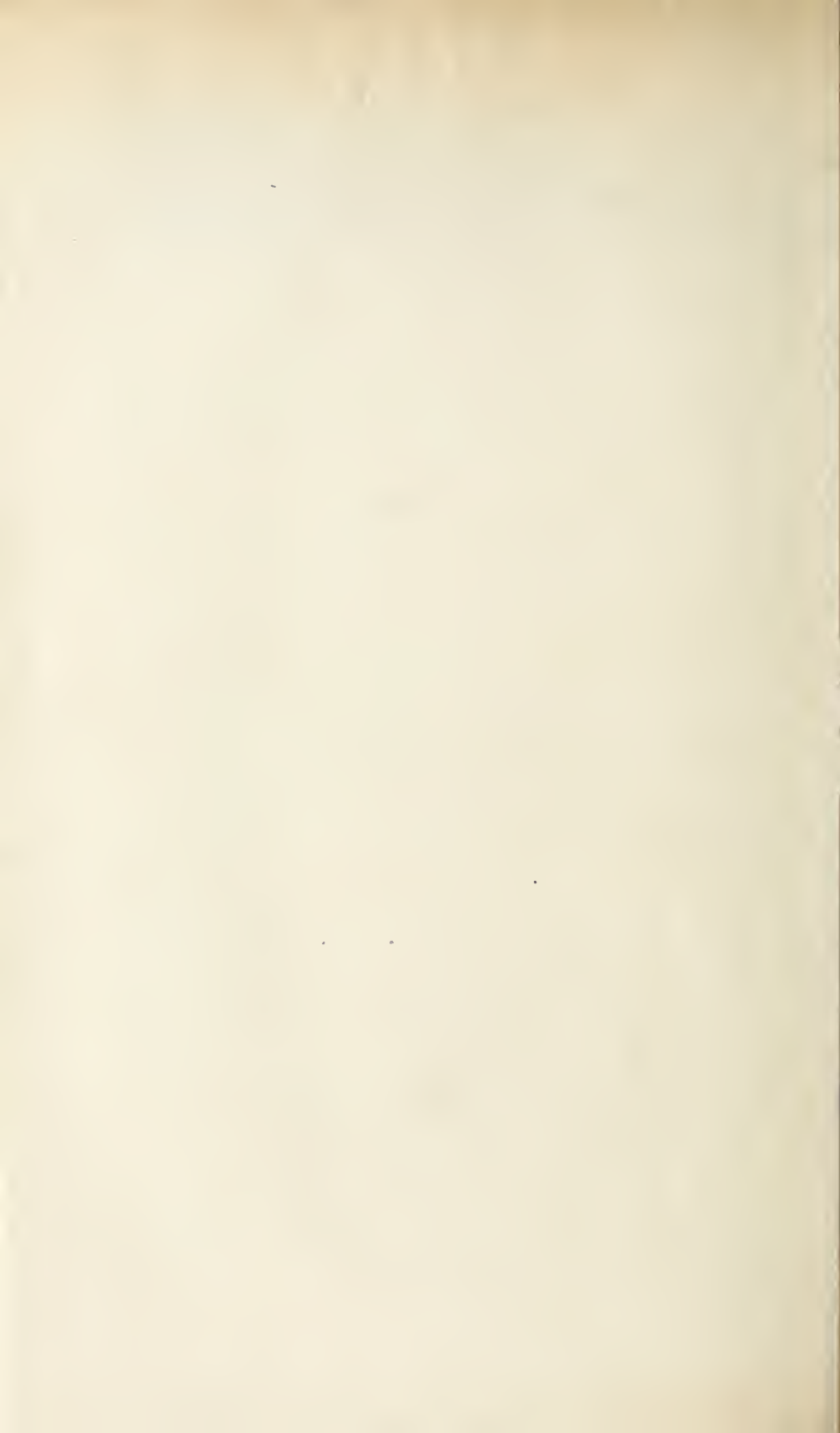
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to embarrass him. The fault lies not with Mr. Fortas, or other young men in government who may be caught in this difficult situation, but with the administration policy in such cases.

Secretary Ickes' position in the matter, while understandable, is hardly in keeping with spirit which we should expect from government, which certainly ought to set an example of sacrifice for the rest of the country.

As regrettable as is the position taken by Secretary Ickes in this instance, however, the President's action in the matter is even less excusable. President Roosevelt is the highest authority in all draft classification questions. He literally is the court of last appeal. As such, it is unthinkable that he attempts, as he has in the Fortas case, to circumvent regular selective service routine, and to prejudge a case before it comes to him in the regular order of appeal. Whether he so intended it or not, his statement on this case can hardly be interpreted as anything but an attempt to direct the decision of the local draft board which is supposed to determine Mr. Fortas' status.

Mr. Fortas is a young man 32 years of age. He is married, without any children, and his wife an attorney, is employed in the Department of Justice at \$5,600 a year. His duties in the Department of the Interior are purely administrative, and innumerable men may be found beyond the draft age to fill that position. I resent the action of the President and the Secretary of the Interior in denying this man the right to enter the service.

Mr. FISH. Does not the gentleman think, even if he is a member of the Cabinet, that it is his duty to enlist as an example to the country?

Mr. HARNESS of Indiana. Certainly. Generally speaking, of course, I believe that the responsibility of an officeholder or a public employee should be measured in exactly the same way as though he were an ordinary citizen in private life. If he is of draft age and physically fit, if he has no greater dependency claims upon him than other citizens being called to service at the time, and if his job can be dispensed with or filled by another not subject to military service, then beyond the slightest doubt he is remiss in his most sacred duty if he avoids service. Of course, the gentleman and I are in agreement that in no case is an individual indispensable; and that only in the rarest cases is it difficult or impossible to replace him in reasonable time.

I say that as a general rule, every man's responsibility should be measured by the same standards. I would agree with the gentleman, however, that the more richly his country has rewarded the individual in public service, the more eager he should be to discharge his full responsibility, the more ready he should be to serve with the armed forces. As a public figure, he should indeed desire to stand as an example to the rest of the country.

The CHAIRMAN. The time of the gentleman from Indiana has expired. All time has expired. Without objec-

tion, the pro forma amendment will be withdrawn.

There was no objection.

Mr. VINSON of Georgia. Mr. Chairman, I move that all debate upon the bill and all amendments thereto do now close.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia.

The motion was agreed to.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee arose; and the Speaker, having resumed the chair, Mr. RICHARDS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 2581, and, pursuant to House Resolution 229, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended so as to read: "A bill authorizing the acquisition and conversion or construction of certain landing craft and district craft, for the United States Navy, and for other purposes."

THE LATE HON. HARRY LANE ENGLEBRIGHT

The SPEAKER. Pursuant to House Resolution 235, the Chair appoints the following Members of the House to attend the funeral: Mr. LEA, Mr. WOODRUFF of Michigan, Mr. CARTER, Mr. WELCH, Mr. COSTELLO, Mr. FORD, Mr. ELLIOTT, and Mr. ROLPH.

EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein an address delivered by Brig. Gen. Clayton S. Adams.

The SPEAKER. Is there objection?
There was no objection.

[The matter referred to appears in the Appendix.]

ESTATE OF ROSE ANN FRENCH

Mr. PATTON. Mr. Speaker, I present a privileged resolution (H. Res. 237) from the Committee on Accounts, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House to the estate of Rose Ann French, late an employee of the House of Representatives, a sum equal to 6 months' salary at the rate she was receiving at the time of her death and an addi-

tional amount not to exceed \$250 to defray the funeral expenses of said Rose Ann French.

The resolution was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1943

Mr. CANNON of Missouri. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 2714, Rept. No. 447) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

Pending that motion I would like to see if I can arrive at an agreement with the gentleman from New York [Mr. TABER] as to time for general debate. I would like to ask the gentleman from New York if we can agree on 2 hours for general debate on the bill itself and an additional 2 hours on the amendment to be offered by the Special Subcommittee on Subversive Activities when it is reached in the reading of the bill?

Mr. TABER. Mr. Speaker, personally I think that 4 hours will be sufficient, but I think we might just as well handle the division of that ourselves. I think we can probably use it to better advantage, and I think we can get along with less than 2 hours on the bill itself and allow the Members perhaps a little more than 2 hours for the other. I think it would be better just to have it 4 hours, to be equally divided, and then you on your side can let the ranking Member on that side and I on my side can do likewise, handle the time that is used on that feature.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that general debate on the bill continue not to exceed 4 hours, the time to be equally divided, and to be controlled by the gentleman from New York [Mr. TABER] and myself, a portion of which is to be yielded to the chairman and the ranking minority member of the Subcommittee on Subversive Activities of Government Employees.

The SPEAKER. Is there objection?

Mr. MARCANTONIO. Mr. Speaker, reserving the right to object, is it proposed to vote on the Kerr committee amendment today?

Mr. CANNON of Missouri. I do not believe we will be able to reach a vote on the amendment today.

Mr. FITZPATRICK. Reserving the right to object, could the gentleman assure the House that there will not be a vote on that today?

Mr. CANNON of Missouri. In response to the inquiry of the gentleman from New York, I will say that no vote will be taken on the amendment today.

Mr. TABER. Reserving the right to object, Mr. Speaker, I think it is going to be absolutely impossible to finish general debate today. Probably it will have to go over to another day. My understanding is it will go over until Monday. Is that the understanding of the gentleman from Missouri?

Mr. CANNON of Missouri. We will resume consideration of the bill on Monday, and it is our expectation to ask for a record vote on the amendment to the bill on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, with Mr. PATMAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. CANNON of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us comprises, in effect, two sections, that covered by the report from the subcommittee on deficiencies, which I have just submitted, carrying urgent deficiency appropriations, and that covered by the report from the subcommittee on subversive activities of Federal employees, submitted by the gentleman from North Carolina, Judge Kerr. I shall discuss the appropriations and shall later yield to Judge Kerr to discuss his report when he offers his amendment during the reading of the bill. The need for this bill is due to the necessity of providing money to meet pay rolls due at the end of May and the corresponding necessity of enacting a law making such appropriations available prior to June 1. Due to the fact that we have enacted in this fiscal year four different laws raising the pay of Federal employees, the four bills involving an additional \$400,000,000 for pay rolls for the remainder of this fiscal year, the various agencies of the Government affected by this legislation have had to meet their pay rolls out of their regular appropriations which were made prior to the effective date of the new laws and therefore were obliged to incur these deficiencies. This bill is to provide the deficiencies which they, through no choice of their own, have had to create under the operation of laws passed by the Congress relative to overtime pay and to increase of compensation of Federal employees.

These deficiencies make up the bulk of the pending appropriations. Of the \$122,000,000 carried in the bill, such deficiencies account for all but \$12,000,000.

The remaining \$12,000,000 is divided among eight items which Members will find listed on page 2 of the report. They are largely routine and involve appropriations over which we had little latitude. Perhaps the only one of general interest is the provision relative to the emergency fund of the President.

Beginning on June 11, 1940, Congress made the first appropriation of funds to be used to meet urgent and confidential

situations arising in connection, first, with the defense program and, later, following Pearl Harbor, to be used in connection with the prosecution of the war. Altogether we have made available since that date a total of \$631,533,000 of which there is still on hand and unobligated \$89,322,166.23. All allocations from this fund up to the end of the calendar year of 1942 were reported in the hearings on the independent offices appropriation bill which passed the House early in the session. Subsequent allocations from the first of the year up to and including April 30, 1943, the last available date, are reported in the hearings on the pending bill.

The committee recommends the continuance during the fiscal year 1944 of this unallocated balance of \$89,322,166.23 and proposes to make available from this fund \$25,000,000 for confidential purposes. Funds available for this purpose have been so depleted that only \$3,237,000 remain. This transfer will make available to the President for confidential purposes a total of \$28,237,000.

In this connection, it is interesting to note that this is a comparatively small sum for the purpose. During the Spanish-American War President McKinley was given \$50,000,000 and President Wilson was allotted \$150,000,000 for such purposes in the First World War. In consideration of the sums involved and the extent of operations in the field, the proposed reappropriation and allocation are much smaller, by comparison, than the amounts provided for the purpose in the two former wars.

Of course, neither provision calls for more money or appropriates additional funds. We merely continue during the coming year the available balance remaining from the funds carried for this purpose in the current fiscal year.

If there are no questions on the bill, I will reserve the balance of my time.

Mr. TABER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this deficiency bill accounts for a total of approximately \$134,000,000. \$122,000,000 out of the \$134,000,000 is made up of items required to meet the war bonus that was voted by the Congress to the civilian employees of the Government. Regardless of how anyone voted upon that, the obligation has been established and the pay roll has to be met. There have developed as we have gone along a great many discouraging features in connection with that situation. I have the personnel records of one unit of the Government in my possession showing a group of 450 employees who draw \$2,500 and above receiving an average increase of approximately \$1,000 in 12 months. The bureaucrats and the Civil Service Commission have gone hog-wild in promotions and advancements and there is going to be no bottom left in the Treasury if this kind of operation is permitted to continue any longer. The only way we have of putting any brakes on that situation is arbitrarily to cut the size of the appropriation for an agency. I feel that it is the duty of the Civil Service Committee to conduct an investigation of all these agencies and to demonstrate the sort of thing that has

been done and to bring in such amendments to the Classification Act as will put an end to this kind of wild operation. It is not a question of giving these people fair pay; it is a question as to whether or not the Civil Service Commission is going to have legislation put over it that will make them show some sense of responsibility to the Government of the United States.

The situation is becoming daily more serious. I am going to call attention to it as these different bills come in. The war bonus that was given to these people is a minor item compared with these tremendous day-to-day appropriations and increases that these people are pulling off. I ran into one situation in the Treasury where the personnel officer received an enormous increase and in the reports the committee got on the subject was a memorandum as to the reason assigned for that increase: No reason assigned. If the Civil Service Commission can get by with that continuously, Congress is going to have no respect for itself and get nowhere. I hope we are going to have some action that will help it.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. RAMSPECK. I may say to the gentleman from New York that I agree there has been abuse in the matter about which he has just been talking. I think it arises in part from the action of the Civil Service Commission in delegating to the agencies the right to make grade promotions without preaudit on the part of the Classification Division of the Commission. I think that was a mistake and I have so stated to them. I am glad the gentleman's committee is looking into it and I want to assure him that the Civil Service Committee under the resolution authorizing it to investigate civilian personnel is also inquiring into that subject.

Mr. TABER. While we are right on that particular subject, I want to say that the trouble lies not only with the Civil Service Commission, but with the bureaucrats, the ones there at the head of these departments and agencies, who have the nerve to come up before us and try to make out that they have not any responsibility in that connection. May I say also that I feel that the head of any agency has some responsibility when the Civil Service Commission has rated a man above what the head of that agency knows he ought to have. In that case it is the duty of the head of that agency to see that an appeal is taken and the proper action results.

Mr. RAMSPECK. I agree with the gentleman on that. I think the chief difficulty in the Federal personnel situation is the failure of the supervisory officials in these agencies to exercise the kind of leadership that they should give to the public service.

Mr. TABER. For my part I intend to do what little I can to see that reductions are made in the gross appropriations for salaries of those agencies where the heads of those agencies do not meet their responsibility in order to make them get

down to earth and appreciate their responsibilities.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. The gentleman mentioned a case where an employee had received an increase of a thousand dollars. Did that increase include the wartime bonus?

Mr. TABER. Oh, my, no. I mentioned a case where a group of 452 employees of one agency who were receiving \$2,500 and above had received an average increase in that group of a thousand dollars.

Mr. VORYS of Ohio. Was that exclusive of the bonus?

Mr. TABER. Exclusive of the war bonus. I intend to have that brought out on the floor in detail when the appropriation for that agency comes before the House.

Mr. VORYS of Ohio. Could the gentleman answer the general question as to whether the overtime-pay bill that the House passed a short time ago was on the basis of the pay received on January 1, 1941, or was it a bonus or increase on the basis of the base pay they are now getting, including all of these promotions?

Mr. TABER. It jumps around just as their regular salary jumps around. If their salary was a thousand dollars on January 1 they would get a certain percentage.

Mr. RAMSPECK. Will the gentleman permit me to explain something to the gentleman from Ohio?

Mr. TABER. Yes.

Mr. RAMSPECK. The question whether or not the increase in pay that the gentleman from New York is talking about would affect the overtime pay depends on what the salary was, because we had a limitation of \$2,900. In other words, they get no increased pay on any salary above \$2,900, so that if the employees he is talking about were getting more than \$2,900, an increase in their base pay would not increase the overtime pay.

Mr. VORYS of Ohio. The \$2,900 is not what that employee or class of employee was getting on January 1, 1941, but the first \$2,900 that he gets now. Is that not true?

Mr. RAMSPECK. Of course, the overtime is based on his present salary.

Mr. TABER. On the salary for the month this bonus is figured.

Mr. RAMSPECK. That is correct.

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Referring to page 3 of this bill, under "Defense Aid," what number of employees will that involve?

Mr. TABER. Well, I cannot give the gentleman offhand the exact figure. It is a few hundred thousand dollars, two or three hundred thousand dollars, involving the employees in the local office down here.

Mr. SMITH of Ohio. The amount will be two or three hundred thousand dollars?

Mr. TABER. That is my recollection of what it figures. It is not a big figure. It is a deficiency that will be applicable for about the month of June.

Mr. Chairman, I do not intend at the present time, unless I find out something that I do not know about now, to offer amendments to this deficiency bill. It has been cut some. There are some things in it that I do not like too well and some things I was rather hesitant about, but, on the other hand, most of them are urgently needed. As I stated, \$122,000,000 out of the \$134,000,000 are absolutely required to meet this pay question. Then there are \$3,000,000 for ration books in the Office of Price Administration to be used after the first of July. That is an item that really will come out of the 1944 Budget. It is an advance on that year. These have to be printed ahead of time so that they can be made available to take care of the public demand.

Mr. CRAWFORD. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Is the Public Printer now able to deliver those or are those printed by outside printers?

Mr. TABER. Does the gentleman mean the Government Printing Office?

Mr. CRAWFORD. Yes.

Mr. TABER. Today the Government Printing Office does not do a very big percentage of the Government work; just a little here and there comparatively, the CONGRESSIONAL RECORD, and a few things for the old-line Departments; that is about all.

Mr. CRAWFORD. A great deal of the work is farmed out, you might say?

Mr. TABER. Yes.

Mr. CRAWFORD. To outside concerns?

Mr. TABER. Farmed out by the Government Printing Office. There is another item that the gentleman from Missouri referred to, an extension of the so-called emergency fund for the President. Something less than \$90,000,000 is available presently; probably there will be a little less than that the 1st of July.

The allotments from that fund since about a year ago, when a conference was had with the Budget with reference to it, have not been of the serious character that they were at one time, and we were assured that there will not be a tendency on the part of the Chief Executive to make allotments for those things that have no relationship to military activities.

Of course, none of us wants to object to anything that is absolutely necessary and immediately urgent for the war effort, regardless of what it is, but, for instance, the allotments from January 1 to May 1, were approximately \$1,000,000—a few dollars over that, but not much. There might have been some question as to some of them, as to whether they should have come up through their budget and asked for an appropriation, but there was no question as to any of them that I was able to see where we would not have been compelled to provide money if the request had been

made. They consisted of many small items of \$15,000 and \$20,000. No very large, outstanding items; none for any activity of a brand-new character were included.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield for another question?

Mr. TABER. I yield.

Mr. CRAWFORD. The members of your committee are fairly well familiarized with the operations that are carried on with that fund; are they not?

Mr. TABER. Yes.

Mr. CRAWFORD. Insofar as your committee is concerned?

Mr. TABER. And as to some of them, of a large character—and I recall one of a very large character—we are advised in advance before the allotments are made and the matter is discussed with the members of the committee before they are made.

Mr. CRAWFORD. Does the gentleman feel that none of these funds, of any consequence, will be used for financing agencies of the Government of certain types of operations or certain agencies of the Government which have no military character?

Mr. TABER. We have not heard of any where that might happen.

For instance, if this bill should not be passed before the 1st of June, that is, if it should not become a law before the 1st of June, in order to meet the pay rolls of several of the regular departments and agencies, perhaps it would be necessary to make allotments from that fund. There is a provision made that if such an allotment should have to be made, the emergency fund should be reimbursed out of these appropriations for the war bonus equal to the amount of that which had been allotted. That would not be strictly a war proposition, in a way. On the other hand, it would be an emergency item that would be justified.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. RABAUT. I just came in. May I ask if the gentleman has touched upon the Howard University matter?

Mr. TABER. I have not.

Mr. RABAUT. I want to inform the gentleman that I have had a conference with the War Production Board, and they told me that was an individual case and they would look into it carefully, because of the fact that, as they explained, the furnaces were not over 7 years old, that they were originally installed as oil burners, and they would have to be unbricked, and I found that through getting an auxiliary burner for coal we might be able to bypass some of their requests, and thereby conserve that valuable installation.

You will remember we covered that in our investigation.

Mr. TABER. The gentleman from Michigan [Mr. RABAUT] and I spent a very considerable time last Saturday going into that question, with the idea of trying to find some way to handle the Howard University boiler situation without a mess being made of it. We were very much distressed to be presented with

a proposal to tear down the boilers which were set up in the air 6 or 7 feet, in the way the modern oil burner is, and lower them down to try to put grates under them.

It seemed like a mess of a job and a waste of money, and we went into it very carefully; and I think he and I were convinced that the proper procedure would be for a new boiler or a second-hand, if necessary, to be installed, and there was space enough in the powerhouse so that it could be operated with coal, and simply use enough oil in the oil burner to take care of the peak load. That seemed much more intelligent to us than to wreck that expensive installation.

I want to compliment the way in which the gentleman from Michigan handled the matter, and the knowledge that I feel he possessed and the way he handled it.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. SMITH of Ohio. Mr. Chairman, the President has been allotting money from this fund for several years to the so-called Resources Planning Board, and I am just wondering what assurance we have that he is not going to use any part of this fund or to make allotments of it to that Board?

Mr. TABER. I do not know.

Mr. SMITH of Ohio. We have no assurance that he will not use the money to do that?

Mr. TABER. No; we hope that will not happen.

Mr. WIGGLESWORTH. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. WIGGLESWORTH. I would like to call the gentleman's attention to the statement made by the gentleman from Alabama [Mr. STARNES] when the Bureau of the Budget was before us on the same question in January of last year.

Speaking of the emergency fund of the President at that time the gentleman from Alabama [Mr. STARNES] said, and I quote:

All too many criticisms have been leveled at the Government of the United States, and they were justified in many instances; too many criticisms have been leveled at the Congress and the Chief Executive because some agency set up by an Executive order, without the sanction of the Congress, is financed out of these things and launched on such a grandiose scale, and you put us in the position of either repudiating what the Commander in Chief has done or going on and taking the censure and the responsibility for it; and I for one feel this matter very keenly. I think it is a matter of concern to us and to our system of government. I am speaking very frankly, and I hope it will not occur again. Tremendous criticism is heaped on the Office of Civilian Defense, the Office of Price Administration, and the War Manpower Commission. Those things have created controversy untold and criticism untold on us and on the Chief Executive, and they were all set up by Executive order, and set up under a grandiose scheme without any consultation with the lawmaking body; and then you come before the regular committees for funds to carry on those functions, and I for one do not appreciate it a bit.

* * * I do not think Congress ought to be embarrassed and the country ought to be embarrassed by those things.

The question of the use of the emergency funds has been gone into by the Independent Offices Subcommittee a good many times. For my part, I feel there has been a continual abuse of the use of those funds, and I certainly hope it will not occur in the future.

Mr. TABER. I join in the gentleman's thought.

I think I have probably consumed as much time as I should on the general character of the bill.

Mr. KEAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from New Jersey.

Mr. KEAN. I notice a small item on page 7 for defraying the deficit in the treasury of the municipal government of St. Croix. Why do we do that?

Mr. TABER. Because we never have had a really efficient management of our island possessions. This is the story. The way things are set up, the taxes and the expenditures are under the control of the legislature or the municipal body there. The only product we are sure of harvesting in those set-ups, especially since Secretary Ickes and his crew took over, is bigger and better deficits. After the deficits are incurred there is no way out of meeting them.

It is a problem that calls for the most serious consideration, in my opinion, on the part of the Committee on Insular Affairs, with the idea that the statutes might be changed so that the Federal Treasury would not be continued in the position of having to meet these deficits.

Mr. KEAN. Does the same situation apply to cities in Puerto Rico?

Mr. TABER. They have a separate government there, but St. Croix is practically an entire island. It is one of the Virgin Islands. That peculiar set-up there was made originally out of deference to the people who were there when we first arrived, but practically none of them are there now. It is a very bad situation. It is one that really calls for affirmative governmental action.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. RABAUT. The gentleman knows, too, of course, that the disturbance of world commerce is really the cause of this item.

Mr. TABER. Not in this particular case. This is a case that has gone on for 20 years.

Mr. RABAUT. I am talking about this \$45,000 item here.

Mr. TABER. The only change has been that it has been getting worse and worse as we have gone along. I have been familiar with these appropriations for over 20 years. They used to be in the Navy bill. It has been getting worse and worse from day to day. There has been no getting better about it, and it goes back to the point where it could not be said that I was playing politics.

Mr. RABAUT. The gentleman might be correct as to the past, I think.

Mr. TABER. I am correct as to the present. Just so long as you let those island folks create a deficit that we have

to pay, you are going to have bigger and better deficits. That is not good business from the standpoint of the United States.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I think the gentleman from New York has conservatively stated the situation. I see no way whatever for this Congress to escape appropriating the necessary funds to meet the deficit of the Virgin Islands treasury so long as the laws remain as they are at the present time. At the same time, I see no way on earth to prevent those Virgin Island deficits from growing every year, whether in peacetime or wartime. I think that is the condition we face right at this very hour.

The gentleman has come to a point which I had in mind awhile ago. Let me submit this question in this bold manner. Does the gentleman believe that the President can take the emergency funds such as those here referred to, for instance, and go into Puerto Rico and finance the new socialization schemes in full or in part, directly or indirectly, to any degree whatever, with the Puerto Rican treasury failing to provide the funds for the carrying out of recent laws enacted by the Puerto Rican Legislature, of which this Congress took practically no notice whatever?

Mr. TABER. You would have to do something that I have not had an opportunity to do in order to answer that question. I will try to get to the point where I can answer it before the bill is read for amendment on Monday. It will mean that we must have from the Budget a memorandum indicating what funds remain out of particular appropriations. Some of those appropriations were broad enough to permit that sort of thing. Some of them were not. I will undertake to see that we are provided with the information before the bill is read for amendment along that line, and I will undertake to advise the House with reference to it.

Mr. CRAWFORD. If the gentleman will permit a further observation, we have this situation in Puerto Rico, according to the best information we can get from our Government here in Washington. Mr. Abe Fortas, Under Secretary of the Interior, is directly in charge of Puerto Rican operations. You have the new laws there which call for the socialization of the land, for the socialization of the transportation system and of the water resources, and making public utilities out of private enterprises; in other words, in my opinion the Puerto Rican Administration would immediately proceed with complete socialization if the funds were forthcoming. Of course, they are not forthcoming directly out of the Puerto Rican treasury, in spite of the fact that the Puerto Rican people, citizens of this country, pay no direct levy to our Federal Treasury, in spite of the fact that we let them hold their export duties, for instance, from \$15,000,000 to \$17,000,000 per annum on the export of rum alone, and in spite of many other advantages

they now receive, which they would not receive if they were a State of the Union or an organized territory such as Hawaii.

What is running around in my mind is, if the committee directly refuses to make the appropriations and if the Puerto Rican local budget is unable to meet the expenditures, is there any power whereby the President, operating through the Department of the Interior and Governor Tugwell of Puerto Rico, can take these special funds and go in there and finance those operations?

Mr. TABER. I would not want to say without checking. I will find out.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. MARCANTONIO. In connection with the observations made by the gentleman from Michigan, wherein he listed a group of "in spite of this and in spite of that," there is one "in spite" that the gentleman from Michigan omitted, that is, that the people of Puerto Rico have been starving and are now on the verge of starvation, and they have been exploited ever since we took them over. They have no native industries in Puerto Rico because we have not permitted them to have any native industries. They cannot get anything shipped to them because of our shipping monopoly. Under our tariff laws they cannot buy cheaply. They are a colonial country suffering from one of the worst types of colonialism. The least we can do is to appropriate for their betterment, the least we can do is to appropriate to give them at least a decent standard of living.

Mr. TABER. Of course, the situation in Puerto Rico has been immeasurably worse since the Tugwell gang began to operate some time ago, since it began to destroy all private industry that was giving employment and livelihood to the public. As I remember, something like \$300,000,000 has been brought into that country in a most ridiculous and wildcat way, and instead of it providing something out of which people could make a living, it has destroyed the possibility of group after group being self-sustaining. It has been a most unfortunate situation, one that has cried aloud for a good, first-class, honest American administrator.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield further on that point?

Mr. TABER. Yes.

Mr. MARCANTONIO. I disagree with the gentleman. I think the gentleman always wants to be fair.

Mr. TABER. I have tried to be fair, and I have been exceedingly fair in what I said last.

Mr. MARCANTONIO. I think the gentleman is sincere. I think the gentleman is one of the squarest-shooting men in this House, but I disagree with him on many things. I point out, for the gentleman's information, that in the Island of Puerto Rico there are 250,000 people unemployed out of a population of 1,800,000. When you have an island whose total economy, as is true in Puerto Rico, is a sugar economy, with over 70 percent of

the arable land owned by four sugar corporations, with offices in Wall Street, and an annual income for those native Puerto Ricans who do work of less than \$200 a year, and when you realize that this situation existed years before Mr. Tugwell and that it still continues to exist, then, certainly, you cannot blame that situation on Tugwell or on the administration. That situation is fundamental; it goes to the very roots of colonialism in Puerto Rico.

Mr. TABER. But, of course, that situation has been accentuated, and it has become much worse in the last few years due to the operation of the molasses trust in which Mr. Tugwell was involved, and due to the Government taking over the Farm Co-op and messing the whole thing up so that a proper market could not be had for the things raised there, due to their taking away from the people the opportunity to raise things for themselves. The Government has been proceeding down there under Tugwell along the Bismarkian philosophy of providing no means to feed those people except through the Government and making them dependent upon the Government. Until we get the idea that those people must have an opportunity to work on productive enterprises instead of depending on state work or upon public works for what they need, our situation is going to become progressively, increasingly worse, and until America provides for the Government of Puerto Rico a new, efficient, effective government, with a Governor who understands business and will try to do things upon a constructive basis, the thing is not going to get any better. There may be palliatives applied, and all that sort of thing, but it wears the people out after awhile. I think probably I have used all the time that I shall use at this time.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. CURTIS. I notice by the bill that some \$3,000,000 goes to the O. P. A.

Mr. TABER. That is for the ration books that will be required just after the 1st of July.

Mr. CURTIS. What has the gentleman's committee been able to do in the way of inducing the O. P. A. to cut out nonessentials carried on down there, useless departments?

Mr. TABER. We have not had the opportunity of going over that thing in any satisfactory manner. I have personally had many talks with Mr. Brown, and submitted many programs to him, some of which he has adopted, and there has been progress made toward getting rid of some of those things, but the rent control is a very bad situation, and the set-up that he inherited was absolutely impossible. Until he makes the proper changes in personnel, we cannot expect any efficiency on that score.

Mr. CURTIS. Somebody in connection with the O. P. A. might take a great deal of time and spend time getting mimeographs of what George Washington thought about price control, which they could send out by a lot of lawyers that are employed down there.

Mr. TABER. That might indicate that they had too much money for printing and binding.

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. MONRONEY. On page 2 there is an appropriation of \$300 for each Congressman and Senator for stationery.

Mr. TABER. Yes.

Mr. MONRONEY. I tried to find in the hearings some justification for this extra money carried in the bill, and I wonder if the gentleman could give the reason why \$300 more is needed?

Mr. TABER. We found that the stationery accounts of the membership were almost all in the red. We found that with the increasing volume of work they have to do, they are unable to keep up with it and take care of their work with the funds that had been allotted to them. This item is just a little bit bigger, but not much, than it was last year. It is on a calendar basis rather than a fiscal year basis. It was thought that the membership is entitled to get funds enough to pay for their stationery out of the allowance which should be made to them. That is the reason that it was done.

Mr. CANNON of Missouri. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, it is not my purpose to discuss the report of the Kerr committee at this time. I do hope to have an opportunity to talk about the report of the committee on Monday. However, there is one statement in the report which has been issued by the committee today in connection with Dr. Lovett, which I want to challenge, because of the very serious nature of the charges contained therein. I refer you to the first paragraph on page 10, which reads as follows:

The National Committee for the Defense of Political Prisoners and National Committee for People's Rights was declared by the Department of Justice to be within the scope of Public Law 135 and Public Law 644, Seventy-seventh Congress.

The following is the sentence to which I want to call your attention:

It is listed among organizations alleged to have been financed by Amtorg Trading Corporation.

The Amtorg Trading Corporation is an official agency of the Soviet Union. The Soviet Union is our ally. This statement is not only untrue, but I go further. I challenge the committee or anyone else to produce a single iota of evidence—I repeat that—I challenge the committee or anyone else to produce a single iota of evidence to substantiate that statement. If there is no evidence—and I say there is none—that the Amtorg Trading Corporation ever financed any of these organizations mentioned, then this report contains a serious libel against an ally. I demand to know, and I believe the American people who are engaged in this war demand to know, who put it in; who is responsible for it; who wrote it; where did it come from, and how did it get in the report of the committee? That is the challenge that I make. I make it early in this de-

bate so as to afford the committee or anyone else an opportunity to substantiate the statement contained in the first paragraph on page 10, which says the National Committee for Defense of Political Prisoners is listed among the organizations alleged to have been financed by the Amtorg Trading Corporation. Further, the mere fact that the word "alleged" is used is no justification for making this statement. It is a serious libel against a great ally in this critical period of the war, and, consequently, most injurious to the best interests of the American people. I challenge you to produce the proof now or before the end of the debate.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MARCHANTONIO was granted permission to revise and extend his remarks.)

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, I ask unanimous consent to proceed out of order on a subject not related to the bill at hand.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. O'CONNOR. Mr. Chairman, Montana is one of the largest areas of undeveloped oil fields that we have in the country. However, the present price of crude oil is so low that it discourages the development of new wells. We must bear in mind that crude oil now sells in my State for \$1.10 per barrel. The cost of production has increased greatly, owing to the increased cost of labor and materials that are necessary to be used in development of oil fields and in the production of oil.

Mr. MANSFIELD of Montana. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. MANSFIELD of Montana. I am glad the gentleman brought out the point about the undeveloped oil fields in Montana, because we do have in the gentleman's district, the largest undeveloped area in the United States. I regret that the gentleman from Texas [Mr. PATMAN] this afternoon said that at the rate we were shipping out our reserves we would have to develop one big well a week from now on. We have oil there, but unfortunately the wells are capped and unfortunately, also, we have too much competition with the California oil companies who have a monopoly in that particular part of the Nation.

Mr. O'CONNOR. I thank the gentleman. I want to point out that the oil wells that are capped are owned principally by what are called the independent oil producers. The people in my district want the administration, with reference to the production of oil, taken away from the Office of Price Administration and turned over for administration to Secretary Ickes of the Department of the Interior. He has recently advocated raising the price of crude oil 35 cents a barrel, but Mr. Prentiss Brown has vetoed that. I do not think Mr. Brown knows anything about the subject as compared

with the knowledge of Secretary Ickes. He is the logical person to have charge of the administration of the production of oil.

It has been suggested that the Government subsidize to the extent of 60 percent the cost of bringing in new wells. In my opinion, this would not be necessary if we raise the price of oil 35 cents a barrel we will have plenty of people in my State, and plenty of independent producers, men who can get the money, who will go into those fields and bring in new wells.

Mr. MANSFIELD of Montana. Will the gentleman yield further?

Mr. O'CONNOR. I yield.

Mr. MANSFIELD of Montana. Does not the gentleman think it would be better if some of the practical, independent producers were called in and their views were considered before these orders would be sent out?

Mr. O'CONNOR. Certainly; it does not make sense to proceed otherwise.

Mr. MANSFIELD of Montana. I agree with the gentleman that Mr. Ickes would be a far better coordinator for the oil situation in this country than would the present O. P. A. Administrator.

Mr. O'CONNOR. Not only that, but he is the logical person to have charge of it, because he is not only familiar with the subject, but he is the one who is charged with the responsibility of providing the Nation with sufficient oil to carry on not only for war purposes but for civilian uses as well. All of the authority with reference to the production of oil should be transferred to the Secretary of the Interior.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mrs. ROGERS of Massachusetts. As the gentleman knows, the administrator for oil in Canada has entire charge of the production, sale, and transportation of oil. And also in Canada, unfortunately for us, Canada has been warm all through the winter, while we have been cold. We shipped 50,000,000 gallons of crude oil to Canada and she refined it.

Mr. O'CONNOR. Exactly. We had better stop, look, and listen, then get busy and increase our oil production, and pay the price, if necessary.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. O'CONNOR was granted permission to revise and extend his remarks.)

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from Connecticut [Mr. COMPTON].

Mr. COMPTON. Mr. Chairman, I ask unanimous consent to speak out of order.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COMPTON. Mr. Chairman, I take this time this afternoon to leave the discussion of this bill for something that seems particularly important and something on which it is necessary to take early action.

I have taken the floor this afternoon to ask of this House what I consider a small favor for a great purpose—a favor

in behalf of an oppressed majority—not an oppressed minority of Europeans, but an oppressed majority of loyal, hard-working Americans who are being tried beyond endurance through a tyranny of bureaucratic tommyrot.

I have today introduced a resolution, No. 238, calling for a full investigation of the Office of Price Administration. I hope the Rules Committee will promptly give this House an opportunity to act on this resolution so that the oppressed majority of which I speak may have quick relief.

I do not want to add to the burdens of this Congress nor to the confusion of the Washington scene—and certainly I do not want to detract from our war effort—but if there is one bureau here in Washington which needs the spotlight of public scrutiny it is that confusion-spreading fly in our alphabetical soup, the O. P. A., or, by poetic license, the O. P. U., the Office of Price Upheaval. Some action must be taken to head off further disorder.

I urge immediate congressional action; what form it takes is immaterial just so long as it has a definite objective. My common sense would suggest abolition of the O. P. A., lock, stock, barrel, and "lame duck" Brown. I would suggest that we call upon someone like Mr. Herbert Hoover or Mr. Herbert Lehmann, each of whom has an understanding of humanity and food problems, and give him a small but efficient and politically free staff to effect a true stabilization of the cost of living, based on known facts and not crackpot theories.

Mr. Hoover pointed out recently that whereas we now have 90,000 bureaucrats—count them—regulating the American people on food, he had only 3,000 people to help him feed the whole world in the last war.

The O. P. A., which is just one of our food-control agencies, had over 50,000 employees—count them—on March 31 of this year and wants to add another 20,000 in 1944.

I have only a few minutes to lodge my complaints and make my plea. So—let me suggest here and now that, if necessary, we blot out of existence this circus-like Gargantua, this fantastic and formless freak of foolish government, this colossus of confusion, this monster of muddled management, this alliteration of all of the evils of bureaucratic government.

Price control in America, under the O. P. A., is the greatest hoax ever perpetrated upon a trusting people. The O. P. A. has licensed highway robbery in our stores, mothers the profiteer, has fathered the black market—it has actually driven one Federal department to buy in the black market—has provided the breast at which suspicion and distrust are being nourished among our people and is the basic cause of most of the demands for higher wages.

It is a source of disunity throughout the land. It is sabotaging our efforts to prevent inflation, and is spending hundreds of millions of dollars in the process thereof. It has cured no ills, but it has created evils beyond belief.

If the welfare and the reason and the morale of 135,000,000 Americans was not at stake the crackpot efforts of the O. P. A. to stabilize the cost of living would be funny. Instead they are tragic. Besides the waste of manpower and money, it has begun to affect their hearts and minds and spirits.

Are we to go on feuding and fuming and constantly creating new problems because we have not the courage or the common sense to take drastic steps to solve our most elementary problems at the source? Are Congress and the American people to be made puppets and guinea pigs for an incompetent collection of overpaid young lawyers who hatch crackpot theories in the incubators of socialism they call their minds?

There have been rumors that one of the principal functions of this costly bureau—it wants \$175,000,000 for 1944—and its army of lawyers and what nots, has been to devise a method of price control, to set price ceilings, to hold back the cost of living. Apparently they were unfounded rumors, for prices have been thrown far out of control, the ceilings are sky high, and the cost of living goes right on rolling along, just like Old Man River.

The O. P. A. admits it has not been able to enforce ceilings. Good Lord, I doubt if it can even understand them. The public will not complain of ceiling violations because of the red tape involved and because it is more important to have food. The big stores justifiably plead a lack of understanding if they are guilty of violations and the little stores are quietly forced out of business.

Along with many of you I have waited patiently for the O. P. A. to shed some of its earlier confusion and lead the American people out of the wilderness of rationing, and into the protective valley of effective price control.

I need not rehearse our disgust at gas and fuel-oil rationing, and, of course, as for rubber—there has been none to ration. Time after time our hopes have risen with announcements of coming price ceilings. But as our hopes went up so did the price of most important food items and so did the size of the O. P. A. staff.

A few weeks ago the trumpets blew loudly for the announcement of dollars-and-cents ceiling prices on beef and other meats. But, lo and behold, the ceilings raised rather than lowered prices and the schedules had to be called off.

On Sunday of this week the trumpets blew again. The O. P. A. pridefully announced dollars-and-cents ceilings on 278 commodity items—count them, 278 items—but scarcely one of these items had figured in the rapid and ridiculous rise of prices.

Wednesday of this week brought new meat-price ceilings—ceilings that will raise prices by from 20 to 30 percent in the chain stores, where the majority of the lower-income families buy their food-stuffs, but will effect a slight drop in the small independent stores.

What sense is there to price control that raises prices for the many, and finds profits in the wealthy chain-store super-

markets, and knocks them down in the little independent stores for a few customers, where a penny or two profit is often the difference between staying in business or going into bankruptcy?

What sense is there to a price-control program that raises prices in the markets where the average worker buys his food and reduces them in the higher-grade independent stores where mostly the wealthy trade?

What sense is there to a price-control program that defeats its own purpose? That penalizes the buyers and discourages the producer and retailer.

We read that the price ceiling on potatoes is 5 cents a pound in Washington, but housewives must pay 12½ or 15 cents a pound if they want potatoes; cabbage is 20 cents for a pigmy-sized head—you know, just the size of the usual bureaucrats; apples are 15 cents a pound; cucumbers 25 cents a piece; and the lowly spinach 45 cents a peck.

These are not black-market prices. They are botched O. P. A. prices in the so-called supermarkets. The ceilings are way up in the clouds where the bright boys of O. P. A. always are.

Just what is the O. P. A. bringing this Nation to by its bungling? Now that the W. P. A. is gone, and some other agencies that were used to subsidize votes are going, is the O. P. A. to be their successor? It was always in my mind that the political appointment of Brown would be muddied even browner by political results. In other words, hard-hitting, tactless Henderson has given way to baby-voiced political Brown, only Brown comes bearing gifts—gifts of money in the form of subsidies. Can you see the plan?

As someone has put it, O. P. A. is now about to help us pay our grocery bill. That is very nice of O. P. A., but beware, I say, of gift bearers, whether they be Grecian beauties or ugly ducklings, particularly lame ones.

Subsidies may be justified if used with great care and discretion—and because of O. P. A. bungling, perhaps subsidies may be necessary; but does the O. P. A. record to date justify trusting that agency with huge money gifts called subsidies? Who will get the money? What will the public get?

Subsidies are effective only with money; money is secured for government by taxes and taxes come direct from the people—the wage earners, executives, and those who get their living from investments. Subsidies come entirely from the public, but are distributed privately to a few.

Now that it has brought us next door to subsidies, the O. P. A., with very sudden and questionable frankness, admitted on Monday that enforcement of food prices never has existed. Any housewife—without benefit of clairvoyance—could have told them that at any time.

Very naively the O. P. A. suggests that if we add 1,400 persons to the present staff of about 3,500 enforcement inspectors, it can effect a 5-percent reduction in food prices. Five percent, mind you. And these investigators, according to O. P. A. reports, are to be used to “edu-

cate unintentional violators.” But who is going to educate the educators?

In the 2-year period that the O. P. A. has been exercising its peculiar brand of price control, pot roast has jumped 156 percent in cost; Irish potatoes, 256 percent; cabbage, 200 percent; and eggs, 56 percent.

But now, after 2 years of spending and snooping and issuing directives and conflicting and confusing regulations that even Einstein could not understand, they promise a measly 5-percent reduction in prices if they get another 1,400 investigators.

Mr. RAMEY. Mr. Chairman, will the gentleman yield?

Mr. COMPTON. I yield.

Mr. RAMEY. Is it not a fact that any directive is un-American, that the American people whose sons are in the service, as most of them are, need to be respected, not inspected? That inspection of the patriotic mother and father is an insult.

Mr. COMPTON. I thank the gentleman for his observation.

Besides the 1,400 new investigators they want 18,500 more employees for the whole country to bring the total in 1944 to 70,000. Do you think the O. P. A. should have them? An investigation can best answer that. Of course it is good New Deal Administration practice. Every time a program fails, ask for another and larger appropriation and increase the personnel. That insures that the next failure will be really colossal.

I am not going to dwell on the bungling in connection with gasoline and fuel oil—the discrimination against the people of the East; the unusual and un-American resort to Gestapolike methods of snooping, turning neighbor against neighbor and friend against friend. You are all too familiar, I know, with this phase of O. P. A.'s activities.

Let us look into the O. P. A., particularly the price-control program! Let us evaluate the present policies and reorient or formulate a new working policy which will achieve the principles of price control. Let us root out the theories and develop and substitute a specific, practical, businesslike plan that will control prices on a Nation-wide basis without raising the cost to the consumer and without burdening the taxpayers with too many subsidies.

Rationing must continue, with some exceptions, but must be improved. Its administration to date by the local war price and rationing boards, by comparison, has been effective and conscientious for the most part. Injustices have generally been the result of lack of uniformity in understanding and applying the snowstorm of directives blowing out of Washington.

A constructive and comprehensive investigation will produce suggestions and provide recommendations that, in turn, will develop a definite policy of price control, and possible improvements in the rationing program. If it becomes advisable I am sure this Congress will sanction whatever legislation is necessary to carry out a sensible policy. I hope the Members will support my resolution.

Mr. TABER. Mr. Chairman, I yield 17 minutes to the gentleman from Illinois [Mr. BUSBEY].

(Mr. BUSBEY asked and was given permission to revise and extend his own remarks.)

Mr. BUSBEY. Mr. Chairman, I take advantage of the time allotted to me to speak in regard to the report of the Kerr committee on three men, namely, Dr. Goodwin B. Watson, Dr. William E. Dodd, Jr., and Dr. Frederick L. Schuman, particularly Dr. Frederick L. Schuman, of whom the Kerr committee has this to say:

Your special subcommittee has examined Dr. Frederick L. Schuman and all evidence pertaining to him as submitted by the committees heretofore referred to and does not find sufficient evidence to support a recommendation of unfitness to serve in the employment of the Government at this time

This is a very important subject and is coming up on an amendment to be offered to this appropriation bill next Monday. I think we should have a general understanding of what is back of the drive to remove some of these men from the pay roll. We hear a great deal said on the floor of the House from time to time about this man's being a Communist or that man's being a Communist. It might be well for us to take just a moment to look at a few of the fundamental principles of communism. I want to establish a foundation on which to judge some of these men.

First of all, we should appreciate that communism is internationalism; in other words, Moscow is the international capital of the world, in effect; any country which chooses to embrace the Soviet Union has its capital automatically moved to Moscow.

The second great fundamental of communism which I think we should take into consideration is the fact that communism is atheism. It may be said that you do not have to be an atheist to become a Communist, or to become a member of the Communist Party. That is true, but it was not true up to 10 or 11 years ago. Then they changed that little ruling, said they would get these people into their organization and then work on them and try to make atheists out of them.

The third principle of communism, and this is the most important, is that communism has as one of its principal objectives the control of the means of production.

Mr. McMURRAY. Mr. Chairman, will the gentleman yield?

Mr. BUSBEY. I am sorry; I have just a few minutes. I decline to yield. If I can get more time I shall be happy to yield to the gentleman.

As I was saying, the third and important point in the subject of communism that we must consider is the control of the means of production. Before the Communists started helping us in this war program, which was July 21, 1941, they were doing everything possible to gain control of the means of production and take over factories in this country by sit-down strikes and other methods. That was their objective. It makes no difference of course how they take over con-

trol of our industries. If they can take them over by different Government bureaus that is just as effective as taking them over by force. The question is this: Is this man a Communist or is he not a Communist?

Mr. Chairman, I have a great deal more respect for the person believing in the principles of communism having the courage to take out a Red card and be a member of the party than I have for these men who teach the theories of communism in the classrooms of this country, who embrace the theories of communism in more ways than one, who are active in various Communist-front organizations but who did not take out a Red card in the party.

Those men I say are tremendously more dangerous than the men whom we know to be carrying a red card. Do you have to carry a card in order to be a Communist? No. I have never carried a card to identify myself as a part of the Republican party, still I call myself a Republican. Likewise I would say there are 20 people in this country who are following the theories and ideologies of communism, who do not have a red card, to everyone who does have a red card.

We received a letter in the mail today from Mr. Fred L. Schuman, and I hope that some one in this House who happens to be an attorney, and I am not, will take this and analyze it some time before the debate is over, from a legal standpoint. There are one or two things to which I would like to call your attention. It states that he is principal political analyst of the Foreign Broadcast Intelligence Service of the Federal Communications Commission, and "humorously criticized the Kerr committee for its report of last month, in which it cleared Professor Schuman of charges preferred by the Dies committee."

I wish to call to the attention of the House that the Kerr committee did not clear Dr. Frederick L. Schuman because all it stated or all it covered was "His unfitness to serve in the employment of the Government at this time." I am afraid Dr. Schuman will be up for further testimony and investigation.

Dr. Schuman was for many years a professor in the University of Chicago, and I happen to be a resident of the city of Chicago. Back in 1935 we had an investigation out there regarding the red activities in the University of Chicago when Dr. Schuman was a professor. Out of that investigation there was a booklet published known as, *How Red is the University of Chicago?* I went through this little booklet the other night and I found Dr. Schuman's name referred to on many, many pages. I would like to read some excerpts from that book entitled, "*How Red is the University of Chicago?*" into the RECORD at this time.

It starts out on page 11 with a paragraph headed "Students attempt agitation in coal fields," and goes on to say:

Federated Press clippingsheet of August 9, 1932, in an article captioned "Midwest students to probe coal fields conditions," stated in part:

"Eighty students, organized as the Midwest College committee for investigation and re-

lief in southern Illinois coal fields, will leave Chicago by motor caravan to study conditions there, Prof. Robert Morss Lovett, of the University of Chicago, announces. Mine locals in Sesser, Johnston City, and the Orient mine have invited the students. * * *

"Profs. Frederick L. Schuman and Louis Gottschalk, of the University of Chicago; Prof. Frank G. Spencer, of the Central Young Men's Christian Association College; and Rev. Victor Siverts, of Meadville Theological Seminary, have joined Prof. Lovett in sponsoring the student enterprise."

This committee was organized by the Student League for Industrial Democracy and the National Student League and was under communistic control. Federated Press of August 17, 1932, reported the stoppage and turn-back of the delegation by legal authorities at Mt. Vernon, Ill., and the arrest of six members of the delegation, among whom was Rev. Victor Siverts; Prof. A. O. Carlson, University of Chicago instructor, spending the summer at Commonwealth College; Joe Hamburger, University of Chicago student, taking a summer course at Commonwealth College; and other Commonwealth College students.

PROFESSOR SCHUMAN PLEDGED TO COMMUNISM

In September 1932 a group of over 50 writers, painters, teachers, and other professional workers declared their support of Foster and Ford and the Communist ticket in the 1932 national election. These 50 professionals pledged their vote to communism, stating in part:

"The Communist Party alone is working to educate and organize the classes dispossessed by the present system, so as to make them an efficient instrument for establishing a new society based on equal opportunity to work, equitable distribution of income, and ownership by the people of the national resources.

"We therefore pledge our support in the national elections to the Communist Party and its candidates, William Z. Foster and James W. Ford, and call upon all educators, writers, engineers, social workers, artists, architects, and intellectuals in general to join us in this move and form Foster and Ford committees throughout the country."

Among the signers of this pledge for communism was Frederick L. Schuman, of the University of Chicago. This group adopted the name of the League of Professional Groups for Foster and Ford.

UNIVERSITY PROFESSORS ENDORSED COMMUNIST

In January 1933, Communists of the fifth ward, Chicago, formed the Fifth Ward Campaign Committee, with headquarters at the Communist unit headquarters at 1505 Cable Court. A circular was issued in the latter part of January 1933, announcing the candidacy of a Communist functionary and attorney for alderman of the fifth ward, Vladimir Janowicz, and his scheduled talk at Communist headquarters, 1505 Cable Court, on February 5, at 4:30 p. m. The leaflet then listed endorers of Janowicz as Profs. Robert Morss Lovett, A. Eustace Hayden, Frederick Schuman, and Martin Sprengling, of the University of Chicago, in addition to a list of Communist subsidiary organizations.

PROFESSORS LECTURE AT COMMUNIST SCHOOL

The official prospectus and program of the Chicago Workers School, official Communist Party training school for Communist Party district No. 8, for the fall, 1932, term lists the instructors and subjects at the school. It states in part:

"One of the extra curricular lecture series will be that of Prof. Harold D. Lasswell, of the University of Chicago political science department. Professor Lasswell will begin his series of six lectures on the Process of Social Change on Monday evening, November 14, 8:50 p. m.

"Prof. Frederick Schuman, of the University of Chicago, and others, will have lectures announced shortly."

"REDS" ORGANIZE PACIFIST COMMITTEE

The Daily Maroon, December 7, 1932, in an article, A. J. Carlson to Lead Discussion at Pacifist Club, stated:

"Anton J. Carlson, militant chairman of the department of physiology, staunch defender of vivisection, and advocate of world peace, will lead the discussion at the first meeting of the Chicago branch of the anti-war committee, which will be held in the social-science assembly room at 8.

"Joseph Cohen, delegate to the World Congress Against War held in Amsterdam last summer, and a student of Brooklyn College, New York, will speak on the Student and War. "Anti-war committees are being organized in all universities and colleges in the United States to further the work of the National Student Congress Against War, which is sponsoring a national meeting to be held in Mandel Hall December 28 and 29.

"All campus clubs, organizations, and fraternities may elect delegates to the congress. "The Chicago committee, which has recently been organized, is giving a second lecture December 14, when Frederick L. Schuman of the political science department speaks on the subject Geneva and Moscow Roads to World Peace."

The Daily Maroon, December 14, 1932, reported: "First antiwar congress to be held in Mandel—student delegates to meet December 18, 29." The article went on to state:

"Possibilities and potentialities of world political unity will be discussed tonight by Frederick L. Schuman, assistant professor of political science, at a joint meeting of the National Student League, the antiwar committee, and the Cosmos Club tonight at 8 in social science assembly hall."

The activities of the National Student League got to be pretty raw at the University of Chicago, and Dean William E. Scott denied the use of Mandel Hall for an openly Communist mass meeting to protest police brutality in demonstrations of Communist unemployed council members. The Daily Maroon February 10, 1933, reported the situation as follows:

"More than 200 students' names have been obtained by the committee of eight of the league for the petition. Two faculty members have also signed it—Frederick L. Schuman, assistant professor of political science, and Harold D. Lasswell, associate professor of political science."

PROGRESSIVE EDUCATION ASSOCIATION CALLED "RED"

The Progressive Education Association is a left-wing educational group that is definitely socialistic if not actually communistic in its program. Otto F. Aken, superintendent of schools, Cook County, Ill., in a petition for writ of mandamus to restrain Noble J. Puffer, superintendent-elect, from taking office, charged Puffer with being a member of the Progressive Education Association. The Chicago Herald and Examiner of April 27, 1935, quotes Aken as charging in his petition that county superintendent friendly to communism and communistic ideas would have the appalling effect of exposing such school children and school teachers to the danger of becoming indoctrinated with social and political ideas inimical to and subversive of the American system of government. He charged further that the Progressive Education Association is dominated by men and women of communistic and radical tendencies and that Carleton Washburne, of Vinnetka, Ill., a Communist writer and author of various radical textbooks, which he has for some time been endeavoring to introduce into the public schools of this country; Frederick L. Schuman, and A. Eustace Hayden, professors at the University of Chicago and well known as Communists, are among its leaders.

PROFESSORS SPEAK ON COMMUNISM

The March 2, 1933, Daily Maroon in an article, Schuman, Knight, Lasswell Speak on Communism, states:

"Professors Frank Knight, Harold Lasswell, and Frederick Schuman are to present their views on Communism in a symposium sponsored by the National Student League, as a pale pink protest to the recent ruling of the president's office refusing to the league the permission to hold mass meetings. The lecture will be held in Mandel Hall next Wednesday evening.

"In the symposium, entitled 'The Implications of Communism,' Professor Knight will discuss the economic implications, Professor Schuman will point out the political significance, and Professor Lasswell will speak on the psychological significance of Communism.

"Professor Knight in his address will stress especially the need for separating the ideals of Communism both from the creed of Marxian dogma generally associated with the movement and also from any definite inference from events in Russia. Mr. Knight said in a recent interview, 'An advanced industrial nation adopting Communism would certainly present an entirely different picture than Russia.'"

NEGRO SOCIALIST AGITATOR SPEAKS ON CAMPUS

Under the caption of "Negro Socialist to discuss machine-age slavery on Thursday," the Daily Maroon of March 7, 1933, stated:

"Frank Crosswaith, noted Negro Socialist orator and editor of the Negro Labor News Service, will reveal the evils of 'machine-age slavery' when he addresses a Mandel Hall audience Thursday at 4:30. He is brought to campus through the auspices of the Socialist Club. Admission is 10 cents.

"Herman Wolf, one of the leaders of the Socialist Club, characterized Crosswaith's record as one of brilliant and consistent service in behalf of the working people of this country. He came to America in his early teens from Frederiksted, St. Croix, in the Virgin Islands, starting out as an elevator operator. He is now teaching in the Rand School of Social Sciences in New York City, from which he was graduated.

"He is best known through his work as special organizer for the Brotherhood of Sleeping Car Porters in its fight to rescue the Pullman porters and maids from slave conditions and give them the status of men and women."

The Daily Maroon, March 8, 1933, further ballyhoos the debate on communism staged by the Communist National Student League in an article, Knight, Lasswell, Schuman Speak on Communism Tonight, which goes on to state:

"Profs. Frank Knight, Harold Lasswell, and Frederick Schuman will present what has been heralded as the first complete discussion of what communism really means in the symposium on communism sponsored by the National Student League tonight at 8:15 in Mandel Hall. The speakers promise both interesting and humorous presentations of the economic, political, and psychological aspects of the subject.

"All three lecturers have recently been in Russia and have studied their subjects at first hand. Professor Knight, whose lecture on the Case for Communism by an ex-Liberal was published because of its widespread popularity, has been heard to declare that 'the true value of communism is in its religious appeal.' Professor Schuman, who has recently published a volume called American Foreign Relations With Russia, believes that all government is a combination of force plus mysticism. The third speaker, Professor Lasswell, who has written Psychopathology in Politics, will lecture under the handicap of his conviction that 'communication between individuals is impossible unless there is a

fortuitous parallelism of his biopsychic elements.'"

SOCIALIST GROUP MEETS AT UNIVERSITY

The Socialist League for Independent Political Action met at the University of Chicago for its regular quarterly meeting on March 9, 1933. Speakers were Garfield V. Cox, professor of finance, and Harland H. Allen, consulting economist. The Daily Maroon, March 9, 1933, describes the League for Independent Political Action as follows:

"The League for Independent Political Action is a national organization endeavoring to unite liberal groups of all parties. Its program advocates broader ownership and control of national resources, wider distribution of the national wealth, a 30-hour week for labor, and international cooperation for the reduction and final abolition of trade barriers."

Describing the symposium on communism under the auspices of the National Student League, the Daily Maroon of March 9, 1933, stated that the speakers—Knight, Schuman, and Lasswell—"romped gaily through a variety of subjects and barely mentioned communism in the symposium, Implications of Communism, sponsored by the National Student League. * * * Prof. Frederick L. Schuman, assistant professor of political science, departed long enough from his avowed communistic convictions to comment on the present political order, saying: 'Would to God the country were governed from Wall Street—but, alas, we have no Wall Street. We are enjoying at this moment the benefits of a New Deal with the old joker and a no-trump Cabinet.' Professor Schuman continued with a detailed outline of the steps in realizing a true communistic state."

SOVIET TOURS ADVERTISED

In the Daily Maroon of April 4, 1933, appears a sizable advertisement announcing Tour Soviet Russia—under the personal leadership of one of the foremost American authorities on the Union of Soviet Socialist Republics, Prof. Frederick L. Schuman, of the department of political science of the University of Chicago and author of the book, American Policy Toward Russia Since 1917. Other statements are that "he visited the Union of Soviet Socialist Republics in 1928 and interviewed the heads of various government departments. He is particularly qualified on his return visit to evaluate the results of the 5-year plan and the prospects of the second plan."

The tour thus described was under the joint auspices of the Soviet fiscal agent, the Amalgamated Trust & Savings Bank, and the official Soviet tourist agency, Intourist.

PROFESSOR SCHUMAN LEADS TOUR TO UNION OF SOVIET SOCIALIST REPUBLICS

The Daily Maroon of April 7, 1933, announced the awarding of a political science fellowship to Prof. Frederick L. Schuman by the American Academy of Political Science "to enable him to study the control of foreign policy in Germany."

Schuman, a Communist, was enabled to kill two birds with one stone on his German-Russian tour—obtain anti-Fascist material (one of the main Communist objectives) and make favorable propaganda comparison in behalf of the Union of Soviet Socialist Republics. The Daily Maroon states further:

"In July, Professor Schuman will lead a small group on a study tour through the Soviet Union, touching Leningrad, Moscow, Kharkov, Kiev, Odessa, the Crimea, the Black Sea, and the Caucasus. Several students from the university are expected to accompany Professor Schuman on his summer trip.

"This will be Professor Schuman's second trip to the Union of Soviet Socialist Republics since the establishment of the new regime in Russia. His first experience, com-

bined with his trip this spring and summer through the Fascist states of Europe, should provide an interesting contrast and evaluation of present and past conditions in Italy, Russia, and Germany."

It is to be noted as of especial importance that several students from the university were expected to accompany Professor Schuman on his summer trip.

PROFESSOR SCHUMAN SPEAKER FOR "RED" LEAGUE

On January 18, 1934, the Daily Maroon reported that Frederick L. Schuman would be a speaker at a National Student League tea in Ida Noyes Hall, stating as follows:

"Dr. Frederick L. Schuman, assistant professor of political science, who has recently returned from a trip to Germany and Russia, will speak at a tea today given in his honor by the National Student League in Ida Noyes Hall at 3:30. Dr. Schuman will discuss his trip and the current situation in Nazi Germany. This will be his first public appearance since his return to America.

"Dr. Schuman believes, quoting from a statement to the Daily Maroon, that 'the Nazi war menace can be met only by an unflinching will on part of French bloc to maintain the existing distribution of armaments, territory, and power. The danger of the anti-Semitic and Fascist propaganda on the part of Hitlerite agents in the United States can be met only by a determination to expose and frustrate the schemes of the Nazi Party's foreign bureau.'

"A Soviet film, The End of St. Petersburg, portraying the Russian revolution, will be presented tomorrow under the auspices of the National Student League. The picture will be shown in the social science assembly hall, at 8:30. Admission charge is 20 cents. The events of the last days of the Czar, the World War, and the uprising in St. Petersburg will be depicted."

SOCIALISTS DEFEND AUSTRIAN REVOLUTION

The Austrian revolution of the spring of 1934 was a source of great satisfaction to Socialists in the United States, who acclaimed it as a great step forward in the international Socialist movement and raised hundreds of dollars for the revolting Austrian Socialists. The Daily Maroon of February 20, 1934, announced a symposium on the Austrian situation in which Profs. Maynard Krueger, Frederick Schuman, and Charles S. Ascher were the speakers. All three were defenders and upholders of the Socialist set-up in Austria.

STUDENT PROTESTS COMMUNIST FAVORITISM IN CLASS

Proof that communism is being taught in classes at the university is evidenced by a letter published in the Letters to the Editor column of the Daily Maroon of February 28, 1934, which reads as follows:

"It has seemed very striking to me that in Mr. Schuman's political science 201 course the students have found occasion to laugh at everybody and everything but the short résumé of the Communist Party. When the Silver Shirts and the Social Democrats were discussed there was always something to provoke hilarious laughter from the class.

"Of course, one answer to this question could be that the Communist Party is so rational that there is no room for a joke, and that the other parties are so ridiculous that they are always wide open for rapping.

"However, this is not the only possible answer. Perhaps our worthy and highly sophisticated professor is slightly, or should I say overwhelmingly, biased in the presentation of material. It seems peculiar that a distinguished professor who has been so sweeping and so biting in his criticisms of other phases of politics should suddenly become biased and almost sentimental in his presentation of one political party.

"In Schuman's own words, 'The only reason for emotionalism in the Daily Worker is that the editor has become smart enough to realize the appeal this makes to the average

reader.' We say, then, that the editor of the Silver Horde was smart from the beginning.

"I am not on either side—neither in favor of nor opposed to communism. But I abhor a biased presentation in the schooling of undergraduates.

"W. H. S."

PROFESSOR SCHUMAN SCHEDULED FOR "RED" APPEARANCE

Prof. Frederick Schuman's appearance before another Communist group was announced in the Daily Maroon of March 14, 1934, which stated:

"The World Prepares for War will be Mr. Schuman's topic at a lecture sponsored by Pen and Hammer, Friday evening at 8 in Room 440 of the Lyon and Healy Building at 64 East Jackson Boulevard."

"Socialism is probably more dangerous on university campuses than communism because of its sugar coating and its appeal to middle-class students who 'think they think.' On this campus she (Mrs. Dilling) felt this particularly true in reference to the Socialist club. She disdained to discuss the National Student League and considered the recently formed Cosmos Club as only another example of the 'boring from within' tactics of the radicals. Such harsh treatment of this right-wing peace organization was due to the fact that two of its faculty sponsors are assistant professors, Frederick Schuman and Harry Gideonse." (Daily Maroon, May 15, 1934.)

"Speakers at the meeting included Prof. Frederick Schuman who voiced an opinion that although the university is exceedingly liberal in policy, it had erred in judgment in refusing to grant permission for the meeting. He believed that a universal, non-discriminatory rule concerning circle meetings should be insisted upon." (Daily Maroon, November 15, 1934.)

PROFESSORS SUPPORT KRUEGER FOR ALDERMAN

Following the announcement of Krueger's candidacy for alderman, the Daily Maroon of January 10, 1935, reported the mobilization of support for Krueger, on the campus:

"New developments in the aldermanic campaign arose yesterday when three other members of the university faculty came out in support of Maynard C. Krueger, for alderman of the fifth ward. They are Louis Wirth, associate professor of sociology; Frederick L. Schuman, assistant professor of political science; and Bessie L. Pierce, associate professor of American history.

"Earlier in the week several members of the faculty came out in support of Joseph M. Artman for alderman. Among them are Paul H. Douglas, professor of economics; Harold F. Gosnell, associate professor of political science; Charles Merriam, chairman of the political science department; and Charles W. Gilkey, dean of the chapel.

"The Socialist Club of the university, in conjunction with the Jackson Park branch of the Socialist Party, is backing Krueger in the race. At the meeting of the club yesterday it was decided to organize a group to work with the Socialist Party in carrying on the campaign.

"New officers of the club elected at the meeting are Jesse Reed, Jr., organizer; Anne Gosenpud, secretary; Seymour Baker, treasurer; Truman Kirkpatrick, publicity chairman; and Fred Fortress, arrangements chairman."

COSMOS CLUB SPONSORS SYMPOSIUM ON WAR

The same issue (January 22, 1935) also announced a symposium by the Cosmos Club featuring Harry Gideonse and Fred Schuman on the subject of Economics and War. The article stated:

"Economics and War has been announced by the Cosmos Club as the subject of the

Gideonse-Schuman symposium which is to be held Friday afternoon at 3:30 at Oriental Institute. Tickets for the occasion may be obtained at the information office and from Cosmos members.

"A reply will be made to Maj. J. L. Griffith's statement at the Maroon Peace Symposium last week, that students were too young and immature to understand war and that they should follow the advice of those who had been 'over there.' Harry Gideonse, associate professor of economics, stated yesterday, 'If you're young enough to die for old Seawash, you're young enough to know about some of the reasons for doing so.' With this in mind Gideonse intends to point out the problems which young people should understand regarding economics and war.

"What is the relation between the prophets of and the profits in war? is the question which Frederick Schuman, assistant professor of political science, will attempt to answer.

"While both men will speak on the same topic there will be different emphasis in their respective approaches. A discussion from the floor will follow the scheduled talks."

Selections of speakers for the Daily Maroon-Student Union Against War and Fascism symposium were announced in the Daily Maroon of January 24, 1935, as follows:

"Five student organizations yesterday announced the selection of representatives to present the views of their groups before the Daily Maroon-Student Union Against Fascism and War symposium on the prevention of war. The symposium will be held in the Oriental Institute Wednesday evening, January 30.

"Phi Kappa Psi Fraternity and Iron Mask honor society have chosen Ralph Nicholson as their speaker. It is expected that he will voice the opinions of the fraternity men on campus as a group. The Student Union Against Fascism and War has nominated Lewis Soffer as their representative, and the Cosmos Club delegate will be William Sherwood."

PROFESSOR GIDEONSE ATTENDS WASHINGTON CONFERENCE

Also in the same issue of the Maroon (January 25, 1935) appeared a further announcement of the Gideonse-Schuman symposium which stated:

"With more than one-half of the seats in Oriental Institute lecture hall sold, the Cosmos Club is expecting a capacity crowd this afternoon at 3:30 in the symposium which it is sponsoring between Harry D. Gideonse, associate professor of economics, and Frederick L. Schuman, assistant professor of political science, on Economics and War.

"The two men will present different attitudes as to the manner in which economics and war are related. Each speaker will present his approach in an introductory talk which will be followed by cross-questioning between the two men. At the conclusion of the arguments the audience will have a brief opportunity for questions.

"Gideonse returned yesterday from Washington, where he attended the National Conference on the Cause and Cure of War, as guest speaker. His subject was Neutrality and War. Schuman is author of a book on American foreign policy toward Russia. He has spent considerable time in Russia observing the Communist experiment.

"The debate is being held in conjunction with the Cosmos Club's peace program on campus. Tickets are 15 cents, and are on sale at the information office."

PROFESSOR SCHUMAN SPOUTS COMMUNISM

Speaking before the Jewish society Avukah, Prof. Frederick Schuman dispensed his usual Communist ideology. The Daily Maroon of February 7, 1935, reported as follows:

"Can peace be maintained in a world where nationalism, as it exists today, prevails? Frederick L. Schuman, assistant professor of political science, denied that it could when he spoke before a capacity crowd at the meeting of Avukah yesterday in social science assembly hall.

"Nationalistic ideology today breeds international and imperialistic wars, in the opinion of Mr. Schuman. 'Peace is highly inconceivable and improbable and can only be maintained by a pacifistic nationalism that would preserve peace between nations.'

"This necessitates the need for a world symbol that has sufficient emotional appeal for 100-percent peace.

"Mr. Schuman stated that there was no idealistic symbol present in the world today that could effect peace. The closest proponent of world unity on an emotional basis was the symbol of Catholicism, whose emotional appeal is effective and international.

"While nationalism makes for peace within a nation, by subduing violent groups within itself, it promotes greater violence between others nations," said Mr. Schuman. "More and bigger wars will result with our present nationalistic ideology, as viewed by Fascist policies, and until there is a world integration and unity on an emotional basis for peace, there can be no peace."

PROFESSORS ON PROGRESSIVE EDUCATION ASSOCIATION PROGRAM

It has already been pointed out that the Progressive Education Association is considered to be communistic in its objectives. The Daily Maroon of February 7, 1935, reported the attendance of seven Chicago University professors at a Progressive Education Association meeting in Chicago, stating as follows:

"Seven professors from the university will take part in the regional conference of the Progressive Education Association being held tomorrow and Saturday at the Palmer House. The theme of the conference is Modern Education at Work.

"Frank N. Freeman, professor of educational psychology, will preside at the general session on Saturday afternoon, and Grace Abbott, professor of public welfare administration, and former chief of the Children's Bureau, Office of Education in Washington, D. C., will conduct the session on problems of childhood.

"In the meeting of the liberal arts in colleges section, Chauncey S. Boucher, dean of the college, will discuss the University of Chicago plan in terms of the ideals which have motivated it and the practical situation in which it has been developed. George A. Works, dean of students, will preside.

"The parents section of the conference will be addressed by A. Eustace Haydon, professor of comparative religion, on the subject of How Can the Family Fulfill Its Social Responsibility to Its Youth? The problems and questions of social attitudes in the home will be discussed by Robert Redfield, dean of the division of social science, and Frederick L. Schuman, assistant professor of political science.

"Students may attend the conference if they obtain cards from Dean John D. Russell, in graduate education 121."

SCHUMAN DEFENDS RED MURDERS IN UNION OF SOVIET SOCIALIST REPUBLICS

In the notices of scheduled meetings in the Daily Maroon of February 8, 1935, upon which no comment was made, appeared the following:

"The Struggle for Academic Freedom. Karl Haessler. Social Science 160 at 4:30."

"Debate: Are the Recent Soviet Executions Justifiable? Yes; Prof. Frederick Schuman. No; Attorney Irving Abrams. Lincoln Center, 700 Oakwood Boulevard, at 8:30."

The first, although not mentioned, is the meeting of the National Student League

again featuring the Communist, Haessler, on a favorite Communist subject. The second is self-explanatory. Professor Schuman, in good Communist fashion, defended the atrocious Soviet slaughters as justifiable.

FACULTY MEMBERS PROMINENT IN ANTIWAR CONFERENCE

The Communist organized antiwar conference at International House included many of the Red-aiding members of the university faculty, as well as outsiders. The Daily Maroon of February 26, 1935, reported the following:

"Representatives of a majority of the organized student groups on campus will participate tomorrow in the opening session of the 2-day antiwar conference to be held tomorrow and Thursday. The conference will be under the chairmanship of Louis Wirth, associate professor of sociology.

"The first session tomorrow evening will be devoted to a symposium at which speakers will discuss the attitudes of the liberals, Socialists, Communists, labor organizations, and youth organizations on the peace question. The meeting will be held in the assembly hall of International House, beginning at 8.

"Both afternoon and evening programs have been arranged for the second day of the conference, Thursday. Five round table discussion sections, representing various groups of students, will meet from 3:30 to 5:30 in social science research building. Percy H. Boynton, professor of English, will lead the group of fraternity men; A. Eustace Haydon, professor of comparative religion, the theological students; Frederick L. Schuman, assistant professor of political science, the social science students; Serena Lowe the young workers' and students' group; and Robert Morss, professor of English, the group on fascism.

"The final meeting will be held on Thursday evening at 8 in the social science assembly hall. The program will include general discussion on the various phases of the antiwar question and the consideration of resolutions drafted in the round table discussion sections."

"REDS" AND "PINKS" UNITE AT ANTIWAR CONFERENCE

The following report on the antiwar conference, appeared in the Daily Maroon of February 28, 1935:

"Midst a deluge of assorted free and salable literature fired with headlines such as, 'Fight. The revolutionary general strike is labor's only salvation.' 'Fight. Join the labor struggle in a war to end the capitalistic system,' and midst the general distribution of varied 'parties' propaganda, eight speakers opened the first all-campus conference for peace last night at International House. On the only common ground arrived at in meeting, it was agreed that students and labor would have to lead the way to peace.

"It is not so much where we (the speakers) came from as where we are going," stated Dean Charles Gilkey of the chapel, in opening the list of speeches. He pointed out that religious groups have been turning toward the left, using religious motives and convictions to combat war.

"Grace Abbott, professor of public welfare administration at the university, precipitating the arguments of the bulk of speakers at the symposium, lifted the wind from their sails by scoring the point that 'Membership in any particular party or organization will not accomplish the end against war.' Going further, she pointed out that no great war issues would be settled by bloodshed—instead, they would be settled by the 'long, slow, hard struggle to get right little by little.' In answering arguments against munitions makers, she vigorously stressed, 'If the American people did not want munitions makers, they would not have them here. It

is a poor alibi to blame our war trouble on them—the people are to blame.'

"Arthur McDowell, representing the Young People's Socialist League, advocated that instead of throwing 'spitballs' at the Reserve Officers Training Corps, workingmen and students come out against exploitation of the masses.

"Robert Minor, noted Communist, in flourishing soap-box style, found considerable pleasure in reinterpreting statements of the President in the National Recovery Administration as procapitalistic and against labor as well as statements allegedly made by Army leaders concerning a Fascist coup of Washington. He expressed confidence that the next war would be fought by labor against trade-unionism. Concluding, he recommended a united front by all groups, regardless of affiliations, against imperialistic Fascist wars.

"As speaker for the American Federation of Labor, Serena Lowe criticized her national organization's lack of action against war, although numerous local resolutions have been adopted.

"Workers must cooperate to prevent industry from shipping munitions in time of war," summarizes Harry Shaw's views. He spoke for railroad labor which he said had recently in part pledged itself to follow such a move.

"Edward Strong, of the League Against Fascism and War, showed a need for organization and action as well as education of youth against war, while Albert Hamilton, for the Student League for Industrial Democracy, called students 'sheep in caps and gowns,' but pointed to the conference as a step toward intelligent action.

"Louis Wirth, assistant professor of sociology and chairman, announced today's schedule of the conference. At 3:30 four round tables will be held, including Social Science and War, Frederick Schuman, in Social Science 122; Fascism and War, Robert M. Lovett, in Social Science 107; Theological Students and War, A. Eustace Haydon, in Social Science 103, and the Fraternity Man and War, Percy Boynton, in Classics 13."

COMMUNIST PAPER BOASTS OF ANTIWAR CONFERENCE

The official Communist report of the antiwar conference, published in the Daily Worker of March 7, 1935, is also most informative:

"Round table discussions, led by Professors Haydon, Schuman, Boynton, and Harry Shaw, preceded the closing session.

"The conference brought to the fore the existence of a small pro-Fascist bloc among the students. However, the sentiment of the conference was overwhelmingly against them and their influence was negligible."

REDS CAUSE SPLIT IN COSMOS CLUB

The invasion of the socialistic-pacifist Cosmos Club by Communists caused trouble. The Daily Maroon of March 5, 1935, reported the resignation of Schuman as faculty adviser to both the Cosmos Club and the National Student League, as follows:

"Frederick L. Schuman, assistant professor of political science at the university, announced yesterday that he is dropping all his functions as faculty adviser to any student organizations. This action will affect both the Cosmos Club and National Student League.

"In announcing his resignation from these positions, Professor Schuman stated that the action was being taken for purely personal reasons. He will continue in his present capacity as adviser to the Cosmos Club until the end of the week, serving as arbiter in the present dispute between the two factions claiming the name Cosmos Club and the affiliation with the Carnegie Foundation for International Peace. Professor Schuman an-

nounced that he would make his decision in this matter within the next few days.

"Professor Schuman had no comment to make on the contentions of H. S. Greenwald, correspondent for the executive committee of the Cosmos Club, to the effect that there was actually no rift in the club. According to Greenwald strife was external rather than internal between club members and insurgents who wish to reorganize the Cosmos Club with radically changed ideology and membership purged of nonsocialist elements."

PROFESSOR SCHUMAN SPEAKS TO "RED" GROUP

The Daily Maroon of March 28, 1935, announced a meeting of the Student Union Against War and Fascism with Schuman as speaker, stating:

"War Across Europe will be discussed by Frederick L. Schuman, assistant professor of political science, at the first meeting this quarter of the Student Union Against Fascism and War in social science assembly room tomorrow at 3:30.

"Taking his cue from the recent rearmament of Germany, the increase in appropriations for American defenses, the doubling of the period of compulsory military service in France, and the British White Paper, Professor Schuman will deal with the imminence of war in Europe.

"The Student Union, which visualizes itself as the organ of expression of antiwar sentiment on the campus, was organized only a few months ago, but has attracted attention because of its activities in connection with the peace strike, which they hope to help stage April 12.

"Last year on the same date 25,000 students in America went out on strike. This year an attempt is being made to make the strike an international one. April 12 is the eighteenth anniversary of America's entrance into the World War."

UNIVERSITY OF CHICAGO PROFESSORS SPONSOR "RED" THEATER

On April 16, 1932, the League of Workers' Theaters was organized in New York City, as an American section of the International Workers Dramatic Union of Moscow, Union of Soviet Socialist Republics.

In January 1933 the Chicago Workers Theater was organized by the Communist John Reed Club of Chicago, and announcement of the new group appeared in the local Communist paper Workers Voice of January 21, 1933. In March 1933 announcement was made that the Workers Theater of Chicago would stage a Communist play, Precedent, at the Goodman Theater on April 8 and 9, 1933. Sponsors of the Chicago Workers Theater were listed on the announcement as follows. Those marked with an asterisk are members of the faculty of the University of Chicago:

Sherwood Anderson, Malcolm Cowley, Jacob L. Crane, Waldo Frank, Michael Gold, Albert Goldman, *Prof. Eustace Hayden, *Prof. Harold Lasswell, *Mary MacDowell, Prof. Scott Nearing, Dr. Curtis Reese, *Prof. Frederick Schuman, *Prof. Louis Wirth, Prof. James M. Yard, *Prof. Robert Morss Lovett.

PROFESSOR SCHUMAN HEADS BOLSHEVIK-AID GROUP

In April 1933 Prof. Frederick Schuman was announced as chairman of a new group calling itself the Chicago Provisional Committee for Recognition and Normal Trade Relations With Soviet Russia, headquarters of which were located at 105 West Madison Street, room 1901.

PROFESSOR SCHUMAN ON COMMUNIST DEFENSE COMMITTEE

Jan Wittenber, a Chicago Communist, who went into southern Illinois as an organizer for the Communist International Labor Defense was arrested with John Adams, an organizer of the Communist Marine Workers

Industrial Union, and held in jail in Hillsboro, Ill., charged with sedition, in June 1934. The Communist magazine New Masses of September 4, 1934, reported the organization of the Jan Wittenber Defense Committee to work for the release of Jan Wittenber and his fellow conspirators. On the committee was Prof. Frederick Schuman of the University of Chicago.

LOVETT AND SCHUMAN SPONSOR RED BALL

An anti-war ball was staged at the Knickerbocker Hotel, Chicago, on May 5 by the Communist organized and controlled American League Against War and Fascism, Chicago branch. A letterhead of the anti-war ball committee, dated April 2, 1934, listed Prof. Robert Morss Lovett and Prof. Frederick L. Schuman as among the sponsors of the affair.

STUDENT AND FACULTY MEMBERS SPONSOR RED CONGRESS

A letterhead of the Chicago arrangement committee of the Second United States Congress Against War and Fascism of the American League Against War and Fascism listed Virginia Bashe, student, and Robert Morss Lovett, chairman Mary MacDowell, and Frederick L. Schuman of the University of Chicago, as members of the committee. Lovett is also a vice chairman of the American League Against War and Fascism, and was one of the principal speakers at the congress held in Chicago, September 28-30, 1934.

PROFESSORS JOIN IN DEMANDS FOR REPEAL OF SEDITION LAW

The Midwest branch of the National Committee for the Defense of Political Prisoners, another Communist organized united front, mass organization, and the Chicago Civil Liberties Committee, joined in sending a delegation to Governor Horner to demand repeal of State sedition laws. The Daily Worker of November 7, 1934, reported as follows:

"A demand for the repeal of the Illinois criminal syndicalism law was presented to Gov. Henry Horner last Thursday in Chicago by a distinguished delegation sponsored jointly by the Chicago Civil Liberties Committee and the Midwest branch of the National Committee for the Defense of Political Prisoners.

"Included in the delegation were Dr. Frederick L. Schuman and Dr. Harold D. Lasswell, of the University of Chicago; Dr. James Maxon Yard, eminent religious educator; Dr. Curtis W. Reese, director of Abraham Lincoln Center; Dr. Felix Levy, prominent rabbi; Dr. Rachelle Yarros, director of the Illinois Social Hygiene Institute and for many years co-worker at Hull House with Jane Addams; the Reverend W. B. Waltmire; Miss Jessie Binford, chairman of the Chicago Civil Liberties Committee; Hugh Miller, its executive secretary; Llewellyn Jones, literary critic, now with the Christian Century; Nathaniel Samuels, co-editor with Miss Narcissa Swift of Polity magazine; John Groth, staff artist of Esquire magazine; and Lawrence Lipton, acting secretary of the Midwest branch of the National Committee."

Mr. Chairman, the thought I want to bring to the Members of the House of Representatives at this time is this: Doctor Schuman is just one of hundreds and hundreds of professors who have been jerked from the universities of this country by the New Deal to come down here to Washington in positions that give them the opportunity to work with this problem in a national way rather than with students in the classrooms.

Personally, I have no objections to the subject of communism being discussed and taught in the classroom under the subject of communism, but I do raise my voice in protest against the ideology

of communism being taught to the students of this country under the disguise of social science, history, English, political science, or any other title, and not discussing it on its own merits.

I for one am not afraid of the students of this country discussing communism, because I firmly believe if the true principles of communism are taught under the subject of communism that 99 percent at least of the students will appreciate the value of our republican form of government in this country in comparison to the principles of communism.

I cannot forget that one of the most prominent members of the American Legion in the United States sent his daughter to the University of Michigan. She was one of the most beautiful, most loyal and patriotic students who ever enrolled in this institution of higher learning. But when she graduated, she was an avowed Communist, married a Negro Communist and moved to Soviet Russia.

I cannot forget the conversation of my neighbor in Chicago, walking to the station one morning, when he said to me: "Fred, I do not know what has come over my boy. He has just returned from the University of Wisconsin, and he has the strangest ideas. He is telling me that the institution of the home is obsolete and old-fashioned and belongs to the horse-and-buggy days, that religion is the opiate of the people, and many, many other radical thoughts." I said to my friend: "Who are his professors?" To which he replied: "Oh, I do not know, but the University of Wisconsin is recognized as one of the leading educational institutions of this country." I had to sympathize with my friend, but he had lost his boy to the cause of communism.

Under the New Deal administration, Washington has become a paradise for these university professors who embrace the ideology of communism and at the same time appreciate the fact that they can be of more value in promoting the ideology of communism by not taking out red cards in the Communist Party.

Mr. Chairman, I have never at any time had the least fear that this beloved country of ours and our Constitution would ever be destroyed by enemies from without; but under the New Deal administration I have every reason in the world to believe it has a good possibility of being destroyed from within.

Mr. Chairman, I sincerely and conscientiously believe that if the subcommittee of which the gentleman from North Carolina [Mr. KERR] is the chairman, will take further time to investigate the statements made against Dr. Frederick L. Schuman that I have outlined in my speech here today, wherein I included certain excerpts from the book, How Red is the University of Chicago? they will concur in my opinion that Dr. Frederick L. Schuman should be eliminated from the taxpayers' pay roll, as well as Goodwin L. Watson, William E. Dodds, Jr., and Robert Morss Lovett.

The eyes of all patriotic Americans are focused upon the actions of this Congress. I plead with the Members of this House to have the courage of their convictions and be equal to their responsibilities to the people of this country, in

seeing that no one remains on the pay rolls of the Federal Government but those whose Americanism cannot be questioned.

Mr. CANNON of Missouri. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PATMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 2788) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by Walter A. Allen.

The SPEAKER. Is there objection?

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

Mr. TABER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. BUSBEY] be permitted to revise and extend the remarks that he made this afternoon during the consideration of the urgent deficiency appropriation bill for the fiscal year 1943 and include therein certain excerpts and certain articles.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROGERS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address I made over the Columbia Broadcasting System.

The SPEAKER. Is there objection?

There was no objection.

[The matter referred to appears in the Appendix.]

LEAVE OF ABSENCE

Mr. RAMEY. Mr. Speaker, I ask unanimous consent that I may be granted leave of absence from May 30 until June 7.

The SPEAKER. Is there objection?

There was no objection.

OBJECTIONABLE BOOKS

Mr. RAMEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAMEY. Mr. Speaker, the gentleman from Chicago, a few moments ago, mentioned an investigation of the Dies committee. That brings to my mind something that I presented to that committee, but as yet no attention has been paid to it. On Lincoln's birthday I suggested that scandalous books ought to be removed from the libraries of the country where children and young people read them. I think that is far more important in connection with this crisis than all the other investigations, inasmuch as this reaches our youth. The

authors of these books, since this request was made, have consented to remove the books from the files, with one exception, Judge Felix E. Alley. One other author, Gaston B. Means, is dead and another cannot be located. I wrote him and asked him if he would see that the publishers of the book did not send it to libraries where the young may read it and he refused and still maintained that the Great Emancipator was illegitimate.

The book states things about the mother of Abraham Lincoln which I should not mention here for the children of the land to read.

I have written to him a second time and he has refused to answer. I have since sought an appointment at his home in North Carolina and he has refused to answer this letter.

I think while we are doing things with reference to the departments we ought to see to it that books of this kind going throughout this country and saying things about a man who has passed on almost a century ago, and about his angel mother, who are not here to defend themselves, should not be placed in a library where young people and the youth of the land read them.

SO-CALLED RUMP COMMITTEE HAS NO OFFICIAL STANDING

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania [Mr. BRADLEY] is recognized for 30 minutes.

(Mr. BRADLEY of Pennsylvania asked and was given permission to revise and extend his remarks in the RECORD.)

Mr. BRADLEY of Pennsylvania. Mr. Speaker, in common with scores of citizens of Pennsylvania, particularly of my own city, I am very much disturbed, as they are, concerning reports appearing in certain newspapers in our city regarding a committee which I understand has no official sanction of the House of Representatives but which, according to the press reports, is spoken of as a congressional committee.

I read from an article published in the press of May 8 in the city of Philadelphia:

A congressional committee will go to Philadelphia May 17 to study the effects of rationing and to seek methods for its improvement, it was announced today.

Definitely that is a statement of an official congressional committee going to the city of Philadelphia. Of course, I cannot attach any responsibility to the members of this so-called congressional committee for the statement as it appears in the press, but inasmuch as there were interviews granted to the reporter who wrote this article, it seems to me there is some responsibility attached to those who are posing, if they are, as a committee of the House of Representatives. That is a very, very serious thing. If we are going to be confronted in this House and in this country with Members who have no official sanction, who form rump committees and travel at their own will up and down the country, holding hearings and, with the support that might be given them by certain newspapers, implying and leading the people to believe that they officially represent

the United States Government, it is something that this House should certainly take cognizance of and pay some attention to.

I quote further from this article what a Member of this House, my colleague from Philadelphia, a gentleman for whom I have the highest regard and who is a personal friend of mine, but who it was stated will be the chairman of this congressional subcommittee, had to say. I refer to the gentleman from Pennsylvania [Mr. SCOTT].

"As for the congressional subcommittee," SCOTT said, "it intends to learn at first hand the problems of rationing as they affect the public. We intend to concern ourselves with improvement of and the correction of inequities in rationing." SCOTT said, "and to do what we can to make rationing work."

This so-called hearing is going to be held in the Federal Building of the city of Philadelphia. I am informed that they have received the privilege of utilizing certain space in that building, but I fear that the authorization was not official. However, neither I nor any of my colleagues would protest against their utilization of any space because, after all, they are Members of Congress, and I think it is only right to accord them any courtesy which can be accorded to them, even if they do not proceed in the proper manner in requesting it.

Mr. BENDER. Mr. Speaker, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. Not at this time. I shall be glad to yield a little bit later for any question my good friend or any other Member of the House may care to ask.

I am informed by many of my constituents and by reputable businessmen of the city of Philadelphia that they have been solicited by certain individuals and certain organizations in the city of Philadelphia to come before this so-called committee to make squawks and to arouse resentment on the part of our people. That is a very serious thing. After all, we are engaged in a war. I know that in the administration of any great undertaking like the Office of Price Administration, with all its ramifications, in a country as large as the United States, with the varied economic interests that require supervision during a war, irritations are inevitable. I know that a great many people protest about gasoline rationing. I am mindful right now that in today's Philadelphia papers there is an article to the effect that the O. P. A. officials have subpoenaed or ordered certain individuals before them, 250 of them, who have been apprehended using their automobiles to go from Philadelphia to the race track at Pimlico in the last week.

We hear a lot of talk about everybody being willing to make sacrifices in this war. There is too much talk about being willing to make sacrifices and not enough of actually making them without squawking and complaining about them.

I do not think the American boys out on the beach heads in Guadalcanal, I do not think those Americans who at such a terrific price in blood have been part of that great victorious army in Africa, I do not think our gallant American air-

men in the southwest Pacific or our gallant sailors maintaining a patrol on all the oceans of the globe, are going to be served or helped by any group such as this which is traveling throughout the country and arousing the resentment which an undertaking of this kind will inevitably arouse against the Government of the United States.

If the propaganda agents of the Axis Powers had endeavored to formulate a plan to disrupt our morale, they could think of nothing more effective than a plan of this kind. Of course, I am not going to impugn the motives of my colleagues, my colleague from Philadelphia or the others who may be associated with him in this undertaking. I would not do that. But the very fact that certain groups in Philadelphia have already prepared to make political capital out of this thing certainly shows how dangerous, how serious it is. To my mind, it is just a wee bit—and I am charitable in that respect—reprehensible on the part of anyone who attempts to convey to the people of the city of Philadelphia the impression or the implication that this is an official committee of the Congress of the United States.

Mr. RAMSPECK. Mr. Speaker, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. I yield to my good friend from Georgia.

Mr. RAMSPECK. Am I to understand from the gentleman that this is an unofficial meeting of a group of Members of Congress, not a subcommittee of any standing committee or select committee of the House?

Mr. BRADLEY of Pennsylvania. I read something in the press yesterday, I may say to the gentleman, to the effect that the Speaker of the House was questioned by the reporters at his press conference with respect to this committee, and my recollection of what I read in the press was that the Speaker stated that this was not an official committee, it was not a committee of the House of Representatives, and it had no standing as such.

Mr. RAMSPECK. And it is the impression of the gentleman's constituents in Philadelphia that this is an official committee?

Mr. BRADLEY of Pennsylvania. There is such an impression, because I and my colleagues from that city have received numerous inquiries. We have received letters concerning it, and I know from my personal knowledge that certain people in Philadelphia have been active in soliciting citizens to go before this committee and make complaints about various things, and have told them it is an official congressional committee.

Mr. RAMSPECK. Then I think certainly, if the gentleman will yield further, that our colleagues who are engaged in this activity should be very careful to make it plain to the public that they are not representing any committee of Congress, that they are not representing the Congress itself, but that they are acting in their individual capacities as Members of Congress.

Mr. BRADLEY of Pennsylvania. I think the gentleman is right, and I thank him for his contribution.

Mr. SCOTT. Mr. Speaker, the gentleman understands that both the gentleman who is speaking and myself certainly can have no impression that it is an official committee of Congress, because nothing has been said either in correspondence or in the newspapers other than what would indicate clearly that this is a Republican food study committee, and I may say that from the reactions that we have already had, that it seems to be very much needed.

Mr. BRADLEY of Pennsylvania. I only know what I read in the newspapers about that, which is published as the result of an interview with the gentleman from Pennsylvania [Mr. SCOTT]. That is all my constituents know, and those constituents see clearly that it is published as a result of an interview with my friend.

Mr. SCOTT. Oh, read the entire article.

Mr. BRADLEY of Pennsylvania. I will let the gentleman do that in his own time.

Mr. SCOTT. I am not talking for the newspapers.

Mr. BRADLEY of Pennsylvania. I will leave it to the gentleman to read it completely. Let me state this: Of course, it does state that it is a food-study committee of the Republicans in Congress, but it also speaks of it as a congressional subcommittee. In the particular paragraph that I just read the newspaper article says:

Such a committee, it was suggested—

And I will deviate from the article to say that I do not know who suggested it—

Such a committee, it was suggested, could make a nonpartisan contribution by its studies of the question of whether the law had been complied with.

Let me tell you something about the rationing of rubber in the State of Pennsylvania before O. P. A. appeared. Members of the tire-rationing boards and other rationing boards in Philadelphia were appointed upon the recommendation of the State council of defense, and in my own congressional district, and in all other congressional districts in our city they were so tinged with politics that it stank to high heaven. In one instance a tire-rationing board was plunged right into politics, openly and viciously. The members were Republican politicians appointed on recommendation of the State council for defense. They were audacious enough to hold their meetings in the Westmoreland Republican Club, in the 25th ward, in my district. And they boldly placed a sign in the window of that club reading "Tire rationing board meets here every Thursday." That is how they handle those things. As I stated, there are bound to be some irritations in a program of this kind, but I do not think any Member of Congress serves any good purpose or does any good to further the war effort by going around stirring up resentment against a program which is being honestly and efficiently administered.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. Yes.

Mr. EBERHARTER. I am very glad the gentleman has brought this matter to the attention of the House. All of us know that it is sometimes necessary for the Congress to appoint special committees to make investigations, and in order to have these special committees, action in the House is taken, and always when a committee of that kind is set up, a resolution is passed, which provides funds so that the special committees can operate, so that they can issue subpoenas and carry on the proper type of investigation. We all know that special committees have been appointed by the Speaker of the House, but what concerns me in this is whether this rump committee is being financed by some individual or group of individuals, and what group of individuals is furnishing the money, because naturally it costs money to conduct an investigation of this kind.

It is said they intend to go all over the country. I would like to know whether it is for purely partisan political purposes that this rump committee is traveling around the country, and I would like to know definitely how much money they have already expended, and how much they intend to spend.

Mr. SCOTT. May I ask the gentleman from Pennsylvania [Mr. EBERHARTER] a question?

Mr. EBERHARTER. Particularly in view of the fact that the reports are carried that this is a congressional subcommittee. To my mind it appears to be a little bit derogatory to the respect in which this House should be held if any group of individuals—

Mr. SCOTT. We expect to go up there and have a full hearing.

Mr. BRADLEY of Pennsylvania. I yield to my colleague.

Mr. EBERHARTER. If this committee should appear in my city of Pittsburgh, I shall certainly make every attempt I possibly can to inform the public that the committee has no power whatsoever; that it simply has the same power as any group of individuals might have, so that the public will not be misinformed, and no misrepresentations made.

It appears to me that the Membership of this House should maintain its dignity and maintain the respect that the country has for it by exposing this partisan committee which was set up, as I understand, by the chairman of the Republican National Committee. Particularly, I would like to know where the money is coming from and have an accounting.

Mr. BRADLEY of Pennsylvania. I am glad my colleague has made that statement, because he asked a very pertinent question that did not occur to me. Perhaps my friend, the gentleman from Pennsylvania [Mr. SCOTT], to whom I am now going to yield briefly, because I understand he has his own time, but if he cares to have me yield to answer that, I will yield.

Mr. SCOTT. My question is—

Mr. BRADLEY of Pennsylvania. Is it addressed to me or to the gentleman from Pennsylvania [Mr. EBERHARTER]?

Mr. SCOTT. I will ask the gentleman from Pennsylvania [Mr. BRADLEY] to an-

NOTICE: This bill is given out subject to release when consideration of it has been completed by the Whole Committee. Please check on such action before release in order to be advised of any changes.

[FULL COMMITTEE PRINT]

Union Calendar No.

78TH CONGRESS
1ST SESSION

H. R. 2714

[Report No. 447]

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1943

Mr. CANNON of Missouri, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the state of the Union and ordered to be printed

A BILL

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, to supply urgent
5 deficiencies in certain appropriations for the fiscal year ending
6 June 30, 1943, and for prior fiscal years, and for other
7 purposes, namely:

1 TITLE I—GENERAL APPROPRIATIONS

2 LEGISLATIVE

3 HOUSE OF REPRESENTATIVES

4 For payment of forty-seven pages, including ten pages
5 for duty at the entrances to the Hall of the House, from July
6 1 to December 31, 1943, both inclusive, at \$4 per day each,
7 \$34,592.

8 For an additional allowance for stationery of \$300 for
9 each Representative, Delegate, and the Resident Commis-
10 sioner from Puerto Rico, for the first session of the Seventy-
11 eighth Congress, \$131,400, to remain available until June
12 30, 1944.

13 EXECUTIVE OFFICE OF THE PRESIDENT

14 FOREIGN WAR RELIEF

15 The appropriation "Foreign war relief" contained in the
16 Second Deficiency Appropriation Act, 1942, is hereby con-
17 tinued available until June 30, 1944.

18 EMERGENCY FUND FOR THE PRESIDENT

19 The appropriation "Emergency fund for the President,"
20 contained in the First Supplemental National Defense Ap-
21 propriation Act, 1943, as supplemented by the Second Sup-
22 plemental National Defense Appropriation Act, 1943, is
23 hereby continued available until June 30, 1944, and the
24 limitation on the amount which may be expended for objects
25 of a confidential nature is hereby increased by \$25,000,000.

1

DEFENSE AID

2

In carrying out the Act of March 11, 1941 (Public Law 11), as amended, transfers are authorized to be made from the consolidated appropriation for "Necessary services and expenses" to the consolidated appropriation for "Administrative expenses" and the amounts so transferred shall be reimbursed by transfer from the appropriation first made hereafter for "Administrative expenses" for carrying out such Act as amended.

9

10

OFFICE FOR EMERGENCY MANAGEMENT

11

War Production Board: For an additional amount for the Office for Emergency Management, War Production Board, fiscal year 1943, including the objects specified for the appropriation under this head in the First Supplemental National Defense Appropriation Act, 1943, and including the purchase or hire of fifteen passenger-carrying automobiles; reimbursement, at not to exceed 3 cents per mile, of employees for expenses incurred by them in performance of official travel in privately owned automobiles within the limits of their official stations; not to exceed \$20,000 for the temporary employment of persons (including aliens) or organizations by contract or otherwise without regard to the civil service and classification laws; not to exceed \$1,250,000 additional for scientific research on materials, material substitutes, and other subjects related to the functions of the

25

1 Board; and, in addition to the amounts authorized by section
 2 203 of such Act, not to exceed \$1,207,000 for travel, and
 3 not to exceed \$700,000 for printing and binding;
 4 \$4,363,000.

5 OFFICE OF PRICE ADMINISTRATION

6 For printing and binding for the Office of Price Admin-
 7 istration, fiscal year 1943, in addition to the amount author-
 8 ized by section 203 of the First Supplemental National
 9 Defense Appropriation Act, 1943, \$3,000,000: *Provided*,
 10 That the limitation on the amount for printing and binding
 11 for the Office of Price Administration for such fiscal year
 12 shall not apply to obligations incurred for the printing of
 13 forms, instructions, regulations, and coupon books incidental
 14 to the rationing of commodities.

15 INDEPENDENT EXECUTIVE AGENCIES

16 FEDERAL SECURITY AGENCY

17 PUBLIC HEALTH SERVICE

18 Miscellaneous and contingent expenses: For an addi-
 19 tional amount for "Miscellaneous and contingent expenses",
 20 fiscal year 1943, including the objects specified under this
 21 head in the Federal Security Agency Appropriation Act,
 22 1943, \$31,000.

23 Training for nurses, Public Health Service (national
 24 defense) : For an additional amount for "Training for nurses

1 (national defense)", fiscal year 1943, including the objects
 2 specified under this head in the Federal Security Agency
 3 Appropriation Act, 1943, \$609,000.

4 FREEDMEN'S HOSPITAL

5 Miscellaneous expenses: For an additional amount for
 6 "Miscellaneous expenses", Freedmen's Hospital, fiscal year
 7 1943, including the objects specified under this head in the
 8 Federal Security Agency Appropriation Act, 1943, \$55,000:
 9 *Provided*, That the foregoing appropriation shall be charge-
 10 able to the District of Columbia as specified under this head
 11 in such appropriation act.

12 HOWARD UNIVERSITY

13 For an additional amount, for "Expenses, Howard Uni-
 14 versity", for the fiscal year 1943, to be used for partial or
 15 total conversion of the existing power plant at Howard
 16 University from the use of oil as fuel to the use of coal or for
 17 an additional boiler and facilities for use of coal as fuel,
 18 including the cost of engineering and architectural services,
 19 \$229,500, to be available until June 30, 1944.

20 FEDERAL WORKS AGENCY

21 PUBLIC BUILDINGS ADMINISTRATION

22 Salaries and expenses, public buildings and grounds in
 23 the District of Columbia and adjacent area: For an additional
 24 amount, fiscal year 1943, including the objects specified

1 under this head in the Independent Offices Appropriation
2 Act, 1943, \$1,203,800.

3 Salaries and expenses, public buildings and grounds out-
4 side the District of Columbia: For an additional amount,
5 fiscal year 1943, including the objects specified under this
6 head in the Independent Offices Appropriation Act, 1943,
7 \$876,000.

8 VETERANS' ADMINISTRATION

9 Vocational rehabilitation revolving fund (Act of March
10 24, 1943): To enable the Administrator of Veterans'
11 Affairs to carry out the provisions of paragraph 8, part VII,
12 of Veterans Regulation Numbered 1 (a), as amended by
13 Public Law 16, Seventy-eighth Congress, \$500,000, to be
14 utilized as a revolving fund and to remain available until
15 expended.

16 DEPARTMENT OF AGRICULTURE

17 BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

18 SALARIES AND EXPENSES

19 Gypsy and brown-tail moth control: For an additional
20 amount for gypsy and brown-tail moth control, fiscal year
21 1943, including the objects specified for the appropriation
22 for this purpose in the Department of Agriculture Appropria-
23 tion Act, 1943, \$137,400.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Vale project, Oregon: For an additional amount for operation and maintenance, from the reclamation fund, special fund, fiscal year 1943, \$4,000.

Kendrick project, Wyoming: The limitation of \$100,000 upon the amount that may be expended from power revenues for the operation and maintenance of the power system, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$110,000.

Boulder Canyon project: The limitation of \$750,000 upon the amount which may be expended from power and other revenues for operation, maintenance, and replacements, including other specific purposes, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$950,000.

GOVERNMENT IN THE TERRITORIES

Defraying deficits in treasuries of municipal governments, Virgin Islands: For an additional amount, fiscal year 1943, for defraying the deficit in the treasury of the municipal government of Saint Croix because of the excess of current expenses over current revenues for the fiscal year 1943, \$45,000.

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

Fees and expenses of conciliation commissioners, United States courts: For an additional amount for fees and expenses of conciliation commissioners, United States courts, fiscal years 1937-40, including the objects specified under this head in the Second Deficiency Appropriation Act, fiscal year 1937 (50 Stat. 224), \$335.98.

Probation system, United States courts: For an additional amount for probation system, United States courts, fiscal year 1939 (52 Stat. 264), 88 cents.

Traveling expenses, Department of Justice: For an additional amount for traveling expenses, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$70,000.

MISCELLANEOUS

Salaries and expenses, Lands Division: For an additional amount for salaries and expenses, Lands Division, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$280,000.

Salaries and expenses of district attorneys, and so forth: For an additional amount for salaries and expenses of district attorneys, and so forth, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$205,000.

1 Salaries and expenses of marshals, and so forth: For an
 2 additional amount for salaries and expenses of marshals, and
 3 so forth, fiscal year 1943, including the objects specified
 4 under this head in the Department of Justice Appropriation
 5 Act, 1943, \$233,000.

6 Pay and expenses of bailiffs: For an additional amount
 7 for pay and expenses of bailiffs, fiscal year 1943, including
 8 the objects specified under this head in the Department of
 9 Justice Appropriation Act, 1943, \$10,000.

10 PENAL AND CORRECTIONAL INSTITUTIONS

11 Support of United States prisoners: For an additional
 12 amount for support of United States prisoners, fiscal year
 13 1943, including the objects specified under this head in the
 14 Department of Justice Appropriation Act, 1943, \$150,000.

15 DEPARTMENT OF STATE

16 Printing and binding: For an additional amount for the
 17 appropriation, "Printing and binding, Department of State",
 18 fiscal year 1943, \$20,000.

19 TREASURY DEPARTMENT

20 OFFICE OF THE SECRETARY

21 Appropriations of the Treasury Department for the fiscal
 22 years 1943 and 1944 shall be available, in accordance with
 23 the Standardized Government Travel Regulations, the Sub-
 24 sistence Expense Act of 1926, as amended (5 U. S. C., ch.

16), and the Act of February 14, 1931, as amended (5 U. S. C. 73a), for the payment of travel expenses to and from their homes or regular places of business and per diem in lieu of subsistence at place of employment of persons employed intermittently away from their homes or regular places of business by the Treasury Department as consultants and receiving compensation on a per diem when actually employed basis.

Administrative expenses, Adjusted Compensation Payment Act, 1936: For transfer to the Post Office Department to cover registry fees and postage on mailings of bonds issued under the provisions of the Adjusted Compensation Payment Act of 1936, fiscal year 1943, \$3,500.

BUREAU OF ACCOUNTS

Refund of moneys erroneously received and covered: For an additional amount for refund of moneys erroneously received and covered, fiscal year 1943, \$50,000.

TITLE II—WAR OVERTIME PAY AND OTHER

COMPENSATION INCREASES

SEC. 201. For additional amounts for appropriations for the fiscal year 1943, for the payment of increases in compensation authorized by the acts of August 1, 1942¹ (Public Law 694, Seventy-seventh Congress), December 22, 1942 (Public Law 821, Seventy-seventh Congress), April 9, 1943 (Public

1 Law 25, Seventy-eighth Congress), and May 7, 1943 (Pub-
 2 lic Law 49, Seventy-eighth Congress), as follows:

3 LEGISLATIVE BRANCH

4 For reporting debates and proceedings, Senate, 1943,
 5 \$846;

6 Salaries, Capitol Police, Senate, 1943, \$6,373;

7 Salaries and expenses, Joint Committee on Printing,
 8 Senate, 1943, \$458;

9 Salaries, officers and employees, House of Representa-
 10 tives, 1943, \$60,402;

11 Clerk hire, Members and Delegates, House of Repre-
 12 sentatives, 1943, \$177,225;

13 Salaries, Capitol Police, House of Representatives, 1943,
 14 \$830;

15 Salaries and expenses, Joint Committee on Printing,
 16 House of Representatives, 1943, \$63;

17 Capitol Building and repairs, 1943, \$17,100;

18 Maintenance, legislative garage, 1943, \$1,157;

19 Maintenance, Senate Office Building, 1943, \$4,500;

20 Maintenance, House Office Buildings, 1943, \$23,556;

21 Capitol power plant, 1943, \$22,237;

22 Library buildings and grounds, 1943, \$9,978;

23 Salaries, Botanic Garden, 1943, \$2,810;

24 Salaries, Library proper, Library of Congress, 1943,
 25 \$36,964;

1 Salaries, Copyright Office, Library of Congress, 1943,

2 \$2,750;

3 Legislative Reference Service, Library of Congress,

4 1943, \$9,070;

5 Distribution of card indexes, Library of Congress, 1943,

6 \$7,217;

7 Index to State legislation, Library of Congress, 1943,

8 \$1,596;

9 Union catalogs, Library of Congress, 1943, \$476;

10 Salaries, Library buildings, Library of Congress, 1943,

11 \$40,704;

12 Salaries, Office of the Superintendent of Documents,

13 1943, \$89,430;

14 Total, Legislative Establishment, \$515,742.

15 THE JUDICIARY

16 For care of Supreme Court Building and grounds,

17 1943, \$2,566;

18 Salaries, United States Court of Customs and Patent

19 Appeals, 1943, \$1,979;

20 Salaries and expenses of clerks, United States Courts,

21 1943, \$141,338;

22 Miscellaneous salaries, United States Courts, 1943,

23 \$10,000;

1 Probation system, United States Courts, 1943, \$16,658;

2 Salaries, Administrative Office, United States Courts,

3 1943, \$2,748;

4 Total, The Judiciary, \$175,289.

5 EXECUTIVE OFFICE OF THE PRESIDENT

6 For salaries and expenses, National Resources Planning

7 Board, 1943, \$23,900;

8 National defense activities, National Resources Planning

9 Board, 1943, \$8,000;

10 Salaries and expenses, Board of Economic Warfare,

11 1943, \$889,000.

12 Office for Emergency Management:

13 For Selective Service System, War Manpower Com-

14 mission, 1943, \$2,603,000;

15 Grants to States, employment services, War Man-

16 power Commission, 1943, \$798,500;

17 Training within industry, War Manpower Commis-

18 sion, 1943, \$25,000;

19 Salaries and expenses, War Production Board.

20 1943, \$5,403,000;

21 Salaries and expenses, Office of Price Administration,

22 1943, \$10,450,000;

23 Total, Executive Office of the President, \$20,200,400.

1 INDEPENDENT ESTABLISHMENTS

2 For salaries and expenses, Civil Service Commission,
3 1943, \$570,000;

4 Salaries and expenses, Civil Service Commission (na-
5 tional defense), 1943, \$520,000;

6 Salaries and expenses, Federal Communications Com-
7 mission, 1943, \$85,000;

8 Salaries and expenses, Federal Communications Com-
9 mission (national defense), 1943, \$215,000;

10 Safety of employees, Interstate Commerce Commission,
11 1943, \$29,300;

12 Signal safety systems, Interstate Commerce Commission,
13 1943, \$1,900;

14 Locomotive inspection, Interstate Commerce Commis-
15 sion, 1943, \$21,600;

16 Advisory Committee for Aeronautics, 1943, \$852,000;

17 Salaries, National Labor Relations Board, 1943,
18 \$19,800;

19 Salaries and expenses, National Labor Relations Board
20 (national defense), 1943, \$21,000;

21 Salaries and expenses, National Mediation Board, 1943,
22 \$4,000;

23 Salaries and expenses, National Railroad Adjustment
24 Board, National Mediation Board, 1943, \$6,700;

1 Preservation of collections, Smithsonian Institution,
2 1943, \$53,040;

3 Salaries and expenses, National Gallery of Art, 1943,
4 \$22,460;

5 United States Tariff Commission, 1943, \$62,500;

6 Construction fund, United States Maritime Commission,
7 act of June 29, 1936, revolving fund (the amount that may
8 be used for administrative expenses for fiscal year 1943 is
9 hereby increased by \$1,875,000) ;

10 Salaries and expenses, Veterans' Administration, 1943.
11 \$6,775,000;

12 Total, independent establishments, \$9,259,300.

13 FEDERAL SECURITY AGENCY

14 For salaries, office of general counsel, Federal Security
15 Agency, 1943, \$21,300;

16 Columbia Institution for the Deaf, Federal Security
17 Agency, 1943, \$12,200;

18 Salaries and expenses, Food and Drug Administration.
19 Federal Security Agency, 1943, \$62,600;

20 Salaries, Freedmen's Hospital, Federal Security Agency.
21 1943, \$22,700;

22 Salaries, Howard University, Federal Security Agency,
23 1943, \$57,000;

24 Salaries, Office of Education, 1943, \$15,200;

- 1 Library service and research, Office of Education, 1943,
2 \$780;
- 3 Salaries and expenses, vocational education, Office of
4 Education, 1943, \$11,500;
- 5 Salaries and expenses, vocational rehabilitation, Office of
6 Education, 1943, \$3,320;
- 7 Salaries and expenses, Office of Education (national de-
8 fense), 1943, \$24,000;
- 9 Salaries, Office of Surgeon General, Public Health Serv-
10 ice, 1943, \$50,400;
- 11 Pay of personnel and maintenance of hospitals, Public
12 Health Service, 1943, \$975,000;
- 13 Expenses, Division of Mental Hygiene, Public Health
14 Service, 1943, \$71,800;
- 15 Disease and sanitation investigations, Public Health Serv-
16 ice, 1943, \$5,900;
- 17 Salaries and expenses, National Institute of Health, Pub-
18 lic Health Service, 1943, \$79,200;
- 19 Emergency health and sanitation activities, Public Health
20 Service (national defense), 1943, \$289,700;
- 21 Saint Elizabeths Hospital, Federal Security Agency,
22 1943, \$105,500;

1 Salaries, Offices of the Social Security Board, 1943,
2 \$28,900;

3 Salaries, Bureau of Old-Age and Survivors' Insurance,
4 Social Security Board, 1943, \$322,200;

5 Salaries, Bureau of Employment Security, Social Se-
6 curity Board, 1943, \$3,500;

7 Total, Federal Security Agency, \$2,162,700.

8 FEDERAL WORKS AGENCY

9 For general administrative expenses, Public Buildings
10 Administration, 1943, \$45,500;

11 Salaries and expenses, public buildings and grounds in
12 the District of Columbia and adjacent area, Public Buildings
13 Administration, 1943, \$3,000,000;

14 Salaries and expenses, public buildings and grounds out-
15 side the District of Columbia, Public Buildings Administra-
16 tion, 1943, \$767,000;

17 Administrative expenses, Public Works Administration,
18 1943 (increase in limitation on prior year unobligated funds,
19 \$3,500).

20 Total, Federal Works Agency, \$3,812,500.

21 DEPARTMENT OF AGRICULTURE

22 For salaries, office of Secretary of Agriculture, 1943,
23 \$90,000;

- 1 Salaries and expenses, Library, Department of Agricul-
2 ture, 1943, \$39,400;
- 3 Salaries and expenses, Bureau of Agricultural Economics,
4 1943, \$205,000;
- 5 Salaries and expenses, Office of Foreign Agricultural Re-
6 lations, 1943, \$22,400;
- 7 Administrative expenses, Agricultural War Relations,
8 Food Production Administration, 1943, \$6,000;
- 9 Administrative expenses, Agricultural War Relations,
10 Food Distribution Administration, 1943, \$1,000;
- 11 Salaries and expenses, Office of Administrator, Agri-
12 cultural Research Administration, 1943, \$700;
- 13 Salaries and expenses, Experiment Stations, Agricultural
14 Research Administration, 1943, \$10,500;
- 15 Salaries and expenses, Animal Industry, Agricultural
16 Research Administration, 1943, \$10,000;
- 17 Salaries and expenses, Plant Industry, Soils, and Agri-
18 cultural Engineering, 1943, \$47,000;
- 19 Salaries and expenses, Agricultural and Industrial Chem-
20 istry, Agricultural Research Administration, 1943, \$1,400;
- 21 Salaries and expenses, Entomology and Plant Quarant-
22 ine, Agricultural Research Administration, 1943, \$234,000;
- 23 Salaries and expenses, Human Nutrition and Home
24 Economics, Agricultural Research Administration, 1943,
25 \$9,200;

1 Beltsville Research Center, Agricultural Research Ad-
2 ministration, 1943, \$7,000;

3 White pine blister rust control, Department of Agricul-
4 ture, 1943, \$52,000;

5 Salaries and expenses, Forest Service, 1943, \$997,000;

6 Forest fire cooperation, 1943, \$2,000;

7 Administrative expenses, Commodity Credit Corporation,
8 Department of Agriculture, 1943 (the amount that may be
9 used for administrative expenses is hereby increased by
10 \$230,900) ;

11 Salaries and expenses, Soil Conservation Service, 1943,
12 \$1,535,000;

13 Land utilization and retirement of submarginal land,
14 Department of Agriculture, 1943, \$80,000;

15 Salaries and expenses, Marketing Service, Food Distri-
16 bution Administration, 1943, \$1,239,000;

17 Total, Department of Agriculture, \$4,588,600.

18 DEPARTMENT OF COMMERCE

19 For salaries, Office of the Secretary, 1943, \$19,800;

20 Expenses of the Sixteenth Census, 1943, \$100,000;

21 Salaries and expenses, Bureau of the Census, 1943,
22 \$217,000;

23 General administration, Office of Administrator of Civil
24 Aeronautics, 1943, \$29,000;

- 1 Maintenance of air-navigation facilities, Office of Admin-
2 istrator of Civil Aeronautics, 1943, \$653,000;
- 3 Maintenance and operation, Washington National Air-
4 port, Office of Administrator of Civil Aeronautics, 1943,
5 \$28,000;
- 6 Magnetic and seismological work, Coast and Geodetic
7 Survey, 1943, \$6,200;
- 8 Geodetic control surveys, Coast and Geodetic Survey,
9 1943, \$30,100;
- 10 Salaries, Coast and Geodetic Survey, 1943, \$83,800;
- 11 Aeronautical charts, Coast and Geodetic Survey, 1943,
12 \$24,700;
- 13 Operation and administration, National Bureau of Stand-
14 ards, 1943, \$47,400;
- 15 Testing, inspection, and information service, National
16 Bureau of Standards, 1943, \$77,500;
- 17 Research and development, National Bureau of Stand-
18 ards, 1943, \$52,800;
- 19 Standards for commerce, National Bureau of Standards,
20 1943, \$16,400;
- 21 Salaries and expenses, Weather Bureau, Department of
22 Commerce, 1943, \$425,000;
- 23 Total, Department of Commerce, \$1,810,700.

DEPARTMENT OF THE INTERIOR

For salaries, Office of Secretary of the Interior, 1943,
\$83,000;

Salaries, Office of Solicitor, Department of the Interior,
1943, \$15,200;

Salaries and expenses, Grazing Service, Department of
the Interior, 1943, \$64,300;

Salaries, General Land Office, 1943, \$4,500;

Salaries and commissions of registers of land offices,
1943, \$1,940;

Revested Oregon and California Railroad and recon-
veyed Coos Bay Wagon Road grant lands, Oregon (reim-
bursable), 1943, \$11,630;

Salaries, Geological Survey, 1943, \$8,300;

Salaries, Bureau of Indian Affairs, 1943, \$2,500;

Maintaining law and order on Indian reservations, 1943,
\$7,000;

Expenses of organizing Indian corporations, and so forth,
1943, \$4,300;

Expenses, sale of timber (reimbursable), 1943, \$5,000;

Maintenance, San Carlos irrigation project, Gila River
Reservation, Arizona (receipt limitation), 1943 (from
operation and maintenance collections), \$18,000;

1 Improvement and maintenance, irrigation system, Colo-
 2 rado River Reservation, Arizona (reimbursable), 1943,
 3 \$1,000;

4 Improvement and maintenance, irrigation system, Colo-
 5 rado River Reservation, Arizona (receipt limitations),
 6 1943 (from operation and maintenance collections), \$1,000;

7 Maintenance, irrigation systems, Fort Peck Reservation,
 8 Montana (reimbursable), 1943, \$1,000;

9 Improvement and maintenance, irrigation systems,
 10 Blackfeet Reservation, Montana (reimbursable), 1943,
 11 \$250;

12 Improvement and maintenance, irrigation systems, Crow
 13 Reservation, Montana (reimbursable), 1943, \$500;

14 Improvement and maintenance, irrigation systems, Crow
 15 Reservation, Montana (receipt limitation), 1943 (from
 16 operation and maintenance collections), \$2,500;

17 Improvement and maintenance, irrigation systems, Klamath
 18 Reservation, Oregon (reimbursable), 1943, \$350;

19 Maintenance, irrigation systems, Wind River Reserva-
 20 tion and ceded lands, Wyoming (reimbursable), 1943,
 21 \$2,000;

22 Indian boarding schools, 1943, \$85,000;

23 Administration of Indian property, 1943, \$50,000;

24 Miscellaneous Indian tribal funds, 1943:

- 1 Arizona: Pima (Camp McDowell), \$100, and
- 2 Truxton Cañon, \$690; in all, \$790;
- 3 California: Mission, \$990;
- 4 Oregon: Klamath, \$9,900;
- 5 Utah: Uintah and Ouray, \$220;
- 6 Washington: Colville, \$600, and Taholah, \$140;
- 7 in all, \$740;
- 8 Support of Osage Agency and pay of tribal officers,
- 9 Oklahoma, \$7,400;
- 10 Protection of project works, Bureau of Reclamation
- 11 (national defense), 1943, \$50,000;
- 12 Advances to Colorado dam fund, Boulder Canyon proj-
- 13 ect, 1943 (amount that may be used from power and other
- 14 revenues increased by \$29,500) ;
- 15 Reclamation fund, special fund, Kendrick project, Wyo-
- 16 ming, 1943 (amount that may be used from power revenues
- 17 increased by \$9,500) ;
- 18 Coal-mine inspections and investigations, Bureau of
- 19 Mines, 1943, \$39,000;
- 20 Investigation of domestic sources of mineral supply, Bu-
- 21 reau of Mines (national defense), 1943, \$30,000;
- 22 Manganese beneficiation pilot plants and research, Bu-
- 23 reau of Mines (national defense), 1943, \$60,000;

1 Expenses, mining experiment stations, Bureau of Mines,
2 1943, \$20,000;

3 Care, and so forth, buildings and grounds, Bureau of
4 Mines, Pittsburgh, Pennsylvania, 1943, \$9,900;

5 Magnesium pilot plants and research (national defense),
6 1943, \$60,000;

7 Salaries and expenses, Government of the Virgin Islands,
8 1943, \$12,250;

9 Salaries and expenses, agricultural experiment station
10 and vocational school, Virgin Islands, 1943, \$400;

11 Puerto Rican hurricane relief, administrative expenses,
12 Department of the Interior, 1943 (the amount of available
13 unobligated funds that may be used is hereby increased by
14 \$1,790) ;

15 Total, Department of the Interior, \$650,820.

16 DEPARTMENT OF JUSTICE

17 For salaries, Office of Assistant Solicitor General,
18 Department of Justice, 1943, \$1,160;

19 Salaries, Office of Assistant to the Attorney General,
20 1943, \$4,800;

21 Salaries, Administrative Division, Department of Justice,
22 1943, \$92,800;

23 Salaries, Criminal Division, Department of Justice,
24 1943, \$34,100;

1 Salaries, Office of Pardon Attorney, Department of
2 Justice, 1943, \$2,140;

3 Salaries and expenses, Lands Division, Department of
4 Justice, 1943, \$226,000;

5 Miscellaneous salaries and expenses, field, Department
6 of Justice, 1943, \$10,600;

7 Salaries and expenses of district attorneys, etc.,
8 Department of Justice, 1943, \$264,700;

9 Salaries and expenses of marshals, etc., Department of
10 Justice, 1943, \$231,000;

11 Pay and expenses of bailiffs, Department of Justice,
12 1943, \$20,500;

13 Salaries and expenses, Federal Bureau of Investigation,
14 1943, \$497,000;

15 Salaries and expenses, Federal Bureau of Investigation
16 (national defense), 1943, \$2,125,000;

17 Salaries and expenses, Immigration and Naturalization
18 Service, 1943, \$1,788,000;

19 Support of United States prisoners, 1943, \$16,800;

20 Total, Department of Justice, \$5,314,600.

21 DEPARTMENT OF LABOR

22 For salaries, Office of the Secretary of Labor, 1943,
23 \$32,400;

1 Salaries and expenses, Office of the Solicitor, Depart-
2 ment of Labor, 1943, \$13,900;

3 Salaries and expenses, Division of Labor Standards,
4 Department of Labor, 1943, \$7,500;

5 Salaries and expenses, safety and health program,
6 Department of Labor (national defense), 1943, \$11,000;

7 Salaries and expenses, Commissioners of Conciliation,
8 Department of Labor, 1943, \$26,300;

9 Salaries and expenses, Bureau of Labor Statistics, 1943,
10 \$107,400;

11 Salaries and expenses, Bureau of Labor Statistics
12 (national defense), 1943, \$100,000;

13 Salaries and expenses, Children's Bureau, 1943,
14 \$14,900;

15 Salaries and expenses, child labor provisions, Fair Labor
16 Standards Act, Children's Bureau, 1943, \$10,500;

17 Salaries and expenses, maternal and child welfare, Social
18 Security Act, Children's Bureau, 1943, \$13,600;

19 Salaries and expenses, Women's Bureau, 1943, \$15,900;

20 Total, Department of Labor, \$353,400.

21 POST OFFICE DEPARTMENT

22 (Out of the postal revenues)

23 For Salaries, Office of the Postmaster General, 1943,
24 \$22,800;

1 Salaries, Office of Budget and Administrative Planning,
2 1943, \$330;

3 Salaries, Office of the First Assistant Postmaster Gen-
4 eral, 1943, \$56,400;

5 Salaries, Office of the Second Assistant Postmaster
6 General, 1943, \$44,300;

7 Salaries, Office of the Third Assistant Postmaster
8 General, 1943, \$56,870;

9 Salaries, Office of the Fourth Assistant Postmaster Gen-
10 eral, 1943, \$9,200;

11 Salaries, Office of the Solicitor for the Post Office De-
12 partment, 1943, \$3,000;

13 Salaries, Office of the Chief Inspector, 1943, \$20,000;

14 Salaries, Office of the Purchasing Agent, 1943, \$2,200;

15 Salaries, Bureau of Accounts, 1943, \$14,200;

16 Post Office inspectors, salaries, 1943, \$158,000;

17 Post Office inspectors, clerks, division headquarters,
18 1943, \$8,300;

19 Compensation to postmasters, 1943, \$5,088,200;

20 Compensation to assistant postmasters, 1943, \$971,900;

21 Clerks, first- and second-class post offices, 1943,
22 \$24,329,000;

23 Separating mails, 1943, \$28,600;

24 Unusual conditions at post offices, 1943, \$82,000;

1 Clerks, third-class post offices, 1943, \$564,000;

2 Miscellaneous items, first- and second-class post offices,
3 1943, \$3,900;

4 Village delivery service, 1943, \$93,100;

5 City delivery carriers, 1943, \$14,707,000;

6 Special-delivery fees, 1943, \$866,000;

7 Railroad transportation and mail messenger service,
8 1943, \$2,100;

9 Railway Mail Service, salaries, 1943, \$4,968,000;

10 Rural Delivery Service, 1943, \$4,544,900;

Operating force for public buildings, Post Office Department, 1943, \$3,503,000;

13 Vehicle service, 1943, \$981,000;

14 Total, Post Office Department, \$61,128,300.

15 DEPARTMENT OF STATE

16 For salaries, Department of State, 1943, \$299,400;

17 Passport agencies, Department of State, 1943, \$4,000;

18 Salaries, Foreign Service officers, 1943, \$177,000;

19 Salaries, Foreign Service clerks, 1943, \$316,400;

20 Miscellaneous salaries and allowances, Foreign Service,
21 1943, \$38,200;

22 Foreign Service, auxiliary (emergency), 1943,
23 \$127,600;

24 International Boundary Commission, United States and
25 Mexico, 1943, \$21,800;

1 Rio Grande canalization, Department of State, 1943,
2 \$16,200;

3 Salaries and expenses, International Joint Commission,
4 United States and Great Britain, 1943, \$1,000;

5 Total, Department of State, \$1,001,600.

6 TREASURY DEPARTMENT

7 For Salaries and expenses, foreign-owned property con-
8 trol, 1943, \$146,200;

9 Salaries, Division of Research and Statistics, Treasury
10 Department, 1943, \$13,600;

11 Salaries, Office of General Counsel, Treasury Depart-
12 ment, 1943, \$6,700;

13 Salaries, Division of Personnel, Treasury Department,
14 1943, \$18,300;

15 Salaries, office of chief clerk, Treasury Department,
16 1943, \$22,700;

17 Salaries, operating force, Treasury Department buildings,
18 1943, \$73,400;

19 Salaries and expenses, guard force, Treasury Department
20 buildings, 1943, \$71,500;

21 Salaries and expenses, Bureau of Accounts, Treasury
22 Department, 1943, \$52,300;

23 Salaries and expenses, Division of Disbursement, 1943,
24 \$232,600;

1 Salaries and expenses, Bureau of the Public Debt, 1943,
2 \$311,400;

3 Expenses of loans, Act September 24, 1917, as amended
4 and extended, 1943 (the amount that may be used is hereby
5 increased by \$913,800) ; .

6 Salaries, Office of Treasurer of United States, 1943,
7 \$357,300;

8 Salaries, Office of Treasurer of United States (Federal
9 Reserve notes, reimbursable) , 1943, \$5,200;

10 Collecting the revenue from customs, 1943, \$1,336,200;

11 Salaries, Office of Comptroller of the Currency, 1943,
12 \$12,600;

13 Collecting the internal revenue, 1943, \$7,398,000;

14 Salaries and expenses, Bureau of Narcotics, 1943,
15 \$26,500;

16 Suppressing counterfeiting and other crimes, 1943,
17 \$107,000;

18 Salaries and expenses, Procurement Division, 1943,
19 \$11,100;

20 Total, Treasury Department, \$10,202,600.

21 WAR DEPARTMENT

22 CIVIL FUNCTIONS

23 For Cemeterial expenses, War Department, 1943,
24 \$56,800;

1 Soldiers' Home, permanent fund (trust fund), 1943,
2 \$44,800;

3 Sanitation, Canal Zone, Panama Canal, 1943,
4 \$146,800;

5 Civil government, Panama Canal and Canal Zone, 1943,
6 \$111,000;

7 Total, War, Department, Civil Functions, \$359,400.

8 DISTRICT OF COLUMBIA

9 For Executive office, salaries, District of Columbia, 1943,
10 \$1,540;

11 Purchasing Division, salaries, District of Columbia, 1943,
12 \$620;

13 District buildings, salaries, District of Columbia, 1943,
14 \$27,400;

15 Board of Tax Appeals, salaries, District of Columbia,
16 1943, \$440;

17 Collector, salaries, District of Columbia, 1943, \$3,680;

18 Auditor, salaries, District of Columbia, 1943, \$4,200;

19 Corporation Counsel, salaries, District of Columbia,
20 1943, \$100;

21 Alcoholic Beverage Control Board, District of Columbia,
22 1943, \$130;

23 Coroner, salaries, District of Columbia, 1943, \$1,380;

24 Chief clerk, Engineer Department, salaries, District of
25 Columbia, 1943, \$1,530;

- 1 Department of Insurance, salaries, District of Columbia,
2 1943, \$470;
- 3 Commission on Mental Health, District of Columbia,
4 1943, \$130;
- 5 Board of Indeterminate Sentence and Parole, District of
6 Columbia, 1943, \$110;
- 7 Office of Administrator of Rent Control, salaries and
8 expenses, District of Columbia, 1943, \$1,570;
- 9 Register of Wills, salaries, District of Columbia, 1943,
10 \$710;
- 11 Recorder of Deeds, salaries, District of Columbia, 1943,
12 \$8,500;
- 13 Motor vehicles, District of Columbia, 1943, \$470;
- 14 Free Public Library, salaries, District of Columbia, 1943,
15 \$22,600;
- 16 Collection and disposal of refuse, salaries, District of
17 Columbia, 1943, \$3,180;
- 18 Electrical Department, salaries, District of Columbia,
19 1943, \$7,630;
- 20 Public schools, salaries, District of Columbia, 1943,
21 \$107,700;
- 22 Metropolitan Police, salaries, District of Columbia, 1943,
23 \$10,200;
- 24 Tuberculosis Sanatoria, salaries, District of Columbia,
25 1943, \$28,700;

1 Gallinger Municipal Hospital, salaries, District of Co-
2 lumbia, 1943, \$30,800;

3 Division of Child Welfare, detention of children, Dis-
4 trict of Columbia, 1943, \$1,050;

5 Workhouse and reformatory, salaries, District of Colum-
6 bia, 1943, \$27,600;

7 Industrial Home School for Colored Children, salaries,
8 District of Columbia, 1943, \$2,600;

9 Industrial Home School, salaries, District of Columbia,
10 1943, \$3,660;

11 Municipal Lodging House, District of Columbia, 1943,
12 \$470;

13 Public parks, salaries, District of Columbia, 1943,
14 \$6,400;

15 National Zoological Park, District of Columbia, 1943,
16 \$7,690;

17 Total, District of Columbia, exclusive of highway and
18 water funds, \$313,260.

19 For trees and parking, salaries, highway fund, District
20 of Columbia, 1943, to be paid wholly out of the special fund
21 created by the act entitled "An act to provide a tax on motor-
22 vehicle fuels sold within the District of Columbia, and for
23 other purposes," approved April 23, 1924 (43 Stat. 106),
24 and the act entitled "An act to provide additional revenue for

1 the District of Columbia, and for other purposes," approved
2 August 17, 1937, \$740.

3 For general expenses, Washington Aqueduct, District of
4 Columbia, 1943, to be paid wholly out of the revenues of
5 the Water Department of the District of Columbia, \$49,800;

6 Total, District of Columbia, including highway and
7 water funds, \$363,800.

8 The foregoing sums for the District of Columbia, unless
9 otherwise specifically provided, shall be paid out of the rev-
10 enues of the District of Columbia and the Treasury of the
11 United States in the manner prescribed by the District of
12 Columbia Appropriation Act, 1943.

13 Total, section 201, \$121,899,751.

14 SEC. 202. The restrictions contained in appropriations
15 or affecting appropriations or other funds, available during
16 the fiscal year 1943, limiting the amounts which may be
17 expended for personal services or for other purposes, are
18 hereby waived to the extent necessary to meet the increases
19 in compensation authorized by the act of August 1, 1942
20 (Public Law 694), amending section 13 of the Classifica-
21 tion Act of 1923, the act of December 22, 1942 (Public
22 Law 821), authorizing the payment of overtime compensa-
23 tion to civilian employees in or under the United States
24 Government, the act of April 9, 1943 (Public Law 25),
25 authorizing additional compensation for employees in the

1 Postal Service, and by other legislation enacted during and
2 applicable to the fiscal year 1943 authorizing overtime com-
3 pensation for civilian employees of the Government: *Pro-*
4 *vided*, That the head of any department, establishment, or
5 agency is hereby authorized to allocate from the sum herein
6 appropriated under any appropriation title administered by
7 him to any subappropriation under such title such amount
8 as may be necessary for the purposes of this section.

9 TITLE III—GENERAL PROVISIONS

10 SEC. 301. No part of any appropriation contained in this
11 Act shall be used to pay the salary or wages of any person
12 who advocates, or who is a member of an organization
13 that advocates, the overthrow of the Government of the
14 United States by force or violence: *Provided*, That for the
15 purposes hereof an affidavit shall be considered prima facie
16 evidence that the person making the affidavit does not
17 advocate, and is not a member of an organization that advo-
18 cates, the overthrow of the Government of the United States
19 by force or violence: *Provided further*, That any person
20 who advocates, or who is a member of an organization that
21 advocates, the overthrow of the Government of the United
22 States by force or violence and accepts employment the
23 salary or wages for which are paid from any appropriation
24 in this Act shall be guilty of a felony and, upon conviction,
25 shall be fined not more than \$1,000 or imprisoned for not

1 more than one year, or both: *Provided further*, That the
2 above penalty clause shall be in addition to, and not in
3 substitution for, any other provisions of existing law.

4 SEC. 302. Except as otherwise provided for in this Act,
5 no part of any appropriation contained in or authorized to be
6 expended by this Act shall be used to pay the compensation
7 of any officer or employee of the Government of the United
8 States whose post of duty is in continental United States
9 unless such person (1) is a citizen of the United States, or
10 (2) is a person in the service of the United States on
11 the date of enactment of this Act who, being eligible for
12 citizenship, had filed a declaration of intention to become a
13 citizen of the United States prior to such date, or (3) is
14 a person who owes allegiance to the United States: *Provided*,
15 That for the purpose of this section, an affidavit signed by
16 any such person shall be considered prima facie evidence that
17 the requirements of this section with respect to his status have
18 been complied with. The provisions of this section shall
19 not apply to citizens of the Commonwealth of the Philippines.

20 SEC. 303. Appropriations contained herein may be used
21 to reimburse the Emergency Fund for the President for
22 advances made therefrom to meet pay-roll obligations for
23 which funds are provided in this Act.

24 SEC. 304. This Act may be cited as the "Urgent
25 Deficiency Appropriation Act, 1943".

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[FULL COMMITTEE PRINT]

Union Calendar No.

78TH CONGRESS
1ST Session

H. R.

[Report No.]

A BILL

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

By Mr. CANNON of Missouri

MAY 14, 1943

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

[COMMITTEE PRINT]

NOTICE.—This report is given out subject to release when consideration of the bill which it accompanies has been completed by the whole committee. Please check on such action before release in order to be advised of any changes.

78TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } No. 447

URGENT DEFICIENCY APPROPRIATION BILL, FISCAL
YEAR 1943

MAY 14, 1943.—Committed to the Committee of the Whole House on the state of
the Union and ordered to be printed

Mr. CANNON of Missouri, from the Committee on Appropriations,
submitted the following

R E P O R T

[To accompany H. R. 2714]

The Committee on Appropriations submits the following report in explanation of the accompanying bill entitled "A bill making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes."

The Budget estimates, on which the bill is based, were submitted in House documents of the present session Nos. 169, 174, 175, 176, 181, 182, 183, 184, 185, 187, 188, 189, 190, 191 (in part), 193, and 194, totaling \$135,027,836.86.

The amount recommended to be appropriated by the bill is \$134,141,279.86, which sum is \$886,557 less than the total of the Budget estimates.

Of the amount recommended, the sum of \$121,899,751 is on account of the war overtime compensation and other pay increase legislation and \$12,241,528.86 is for other urgent purposes.

The most of the items in the bill comprise urgent deficiencies in appropriations for the fiscal year 1943 and a large proportion of the funds will be required to meet pay rolls for the second half of May and to cover such cases the bill should become law prior to June 1. This is particularly true of the amounts for payment of overtime war compensation and other pay increases involving many of the 270 different

appropriations affected. It should be recalled that the agencies of Government have been paying these increases from regular appropriations which were made prior to the effective date of the new laws and therefore were obliged to incur the deficiencies. The closing period of the fiscal year finds their balances so depleted by the extra burden that unless the additional funds are made available promptly pay-roll payments will be delayed.

The principal items in the bill fall into a relatively small category:

Overtime war compensation and other pay increases.....	\$121, 899, 751. 00
War Production Board, salaries and expenses.....	4, 363, 000. 00
Office of Price Administration.....	3, 000, 000. 00
Public Buildings, operation and maintenance.....	2, 079, 800. 00
Veterans' Bureau, vocational rehabilitation revolving fund.....	500, 000. 00
Department of Justice, marshals, district attorneys, support of prisoners, etc.....	948, 336. 86
Public Health Service, training of nurses.....	609, 000. 00
Other miscellaneous items.....	741, 392. 00

OVERTIME WAR COMPENSATION AND OTHER PAY INCREASES

Four different overtime compensation and other pay increase acts have been made effective in this fiscal year without the additional funds having been added to departmental appropriations. Public Law 694 became effective on August 1, 1942, and granted certain permanent increases to personnel in the crafts, protective, and custodial service and the subprofessional service. Public Law 821 became effective on December 1, 1942, and this act placed the majority of Federal employees on a 40-hour week, who were not already on that basis, with overtime pay for all work in excess of 40 hours, suspended the Saturday half holiday, resulted in extension of the work-week from 44 to 48 hours, and required a survey of personnel by the Director of the Bureau of the Budget and a reduction by him wherever his findings disclosed a surplus. This act expired on April 30, 1943, and has been continued by Public Law 49, until July 1, 1945. Public Law 25 is effective on May 1, 1943, and applies to personnel of the Postal Service formerly under Public Law 821 from December 1, 1942, to April 30, 1943. The periods of the fiscal year 1943 covered by the various laws are as follows: Public Law 694, 11 months; Public Law 821, 5 months; Public Law 25, 2 months; and Public Law 49, 2 months.

The cost of the acts for the varying periods of the fiscal year 1943 totals approximately \$401,000,000, of which \$276,000,000 will be absorbed in existing appropriations leaving \$125,000,000 to be met by deficiency appropriations. Of this latter sum more than \$3,000,000 can be met by increasing various limitations upon expenditure of corporate or other restricted appropriations and the remaining \$122,000,000 is provided in the bill. It should be noted that of the \$276,000,000 cost to be absorbed in existing appropriations, the sum of \$201,000,000 will be met from current funds of the War and Navy Departments leaving the total absorption by funds of all other governmental agencies at \$75,000,000. Of the \$122,000,000 carried by the bill, approximately \$61,000,000, or half, is on account of the Post Office Department. The committee has approved the procedure followed in financing the cost of these additional compensation laws. By waiting until the fiscal year was well along and accurate cost data

became available more reliable estimates were formulated upon which to prepare appropriation figures, and the amounts absorbed have undoubtedly resulted in a smaller net deficiency appropriation at this date than would have been required had an attempt been made to appropriate for the remainder of the fiscal year at the date when the laws became effective or shortly thereafter.

The provision in Public Law 821 requiring the Director of the Bureau of the Budget to effect decreases in Federal personnel wherever possible undoubtedly had an effect in assisting to hold down the additional cost of these laws in the fiscal year 1943. The reductions made effective by April 30 total 27,726 and additional reductions after April 30 are required totaling 13,905, or a grand total of 41,631.

FOREIGN WAR RELIEF

Previous appropriations totaling \$85,000,000 have been made to the President for foreign war relief, the first having been made on June 26, 1940, in the sum of \$50,000,000, and the second on December 17, 1941, in the amount of \$35,000,000. Expenditure of the funds for relief purposes have been entrusted to the American Red Cross which furnishes all administrative expenses through its own organization. The utilization of the balance in the combined funds, totaling approximately \$31,000,000, expires on June 30 and the committee recommends its continuance during the fiscal year 1944. Tables on pages 193 and 194 show the distribution by countries and the dollar volume in each instance.

EMERGENCY FUND FOR THE PRESIDENT

Congress, commencing June 11, 1940, coincident with the inauguration of the defense program on an accelerated scale, has provided the President with emergency funds to meet the urgent and confidential situations which might arise in connection with the defense program and later in connection with the prosecution of the war. The grand total of such fund made available since June 11, 1940, is \$631,533,000. Statements of the allocations from this total amount were furnished the committee at this session and are printed in the hearings on the independent offices appropriation bill. They give the allotments to December 31, 1942. Printed in the hearings on this bill is a statement for the period commencing January 1, 1943, and ending April 30, 1943. In these 4 months there has been allotted a total of \$12,664,368.06, of which \$11,000,000 was allocated for confidential purposes leaving \$1,664,368.06 for all other purposes in the 4-month period. The free balance in the fund on April 30 last totaled \$89,322,166.23.

The committee recommends the continuance during the fiscal year 1944 of the available balance. In the early periods of the defense program and the war there was need for a larger fund than is now necessary. With the progress of the war and more definite programming fewer emergencies and confidential matters arise that cannot be financed through appropriations sought in the regular channels. However, this Nation is still engaged in a terrific struggle and our activities through our armed forces and our civilian personnel are spread to all parts of the world accessible to us. The President of the

United States is Commander in Chief of the armed forces as well as the Chief Executive of the Nation. Congress has not failed in war periods in the past to place in the hands of the President an emergency fund subject to his discretion. The funds at the discretion of President McKinley in the Spanish-American War and those at the disposal of President Wilson in World War I were larger in proportion to the total outlay for those wars than the funds available to President Roosevelt in proportion to the total outlay for this war.

The amount of the balance that may be used for confidential purposes is increased by \$25,000,000. The balance in the confidential allocation is \$3,237,000 which will make \$28,237,000 of the \$89,000,000 available for confidential purposes.

It is the expectation and hope of the Director of the Bureau of the Budget and of the committee that the \$89,000,000 will be sufficient to meet all unforeseen and emergent situations that may arise prior to July 1, 1944. However, we are approaching extensive and difficult phases of the war effort. New and unforeseen emergencies will continue to arise and the President must be in position to meet them.

DEFENSE AID

Provision is included in the bill permitting a transfer of funds from the consolidated appropriation for "Necessary services and expenses" to the consolidated appropriation for "Administrative expenses." The lend-lease budget now pending before the committee makes provision for administrative expenses for the Office of Lend-Lease Administration and the agencies associated with that office in carrying out lend-lease operations (other than the War and Navy Departments) on a 14 months' basis commencing May 1, 1943. Present administrative funds will be sufficient to meet May 15 pay rolls but not those for the end of May. This provision is inserted to enable these pay rolls to be met by transfer from other available lend-lease funds with the stipulation that when the new administrative funds are available are available reimbursement will be made to the appropriation from which the transfer is made.

WAR PRODUCTION BOARD

The sum of \$4,363,000 is recommended for salaries and expenses of the War Production Board, a decrease in the Budget estimate of \$664,000. Total funds available to the Board for the current fiscal year have amounted to \$76,428,300. The deficiency amount requested, \$5,027,000, included the sum of \$3,247,000 for salaries and other operating expenses and \$1,780,000 for the prosecution of research projects for the development of substitutes for scarce materials, recovery of waste materials, improvement of industrial processes, new sources of supply, and so forth.

The deficiency in operating expenses of \$3,247,000 has been reduced to \$3,213,000 by the reduction of \$134,000 in the printing and binding allocation. The original budget for the Board contemplated a total personnel for the fiscal year 1943 of 24,600 to be recruited during the year in such manner that the appropriation was based on \$10,000,000 less than would have been required if all were on for the full year. The force was recruited more rapidly than was anticipated with a view to expediting the war program and reached a peak of

22,487. Pursuant to the order of the Director of the Budget under Public Law 821, a decrease to 21,847 was made to April 30 and a further decrease of 1,000 is to be accomplished by June 30 leaving a total personnel of 20,847. Nine activities were undertaken by the Board in the interest of the war effort which were not contemplated when the appropriations originally were granted, including the Office of the Rubber Director. The total personnel for these new efforts is 834. Salary requirements in fiscal 1943 for the additional activities are approximately double the amount of deficiency of \$802,000, the difference being absorbed by savings resulting from personnel decreases. Added expenses on account of the new activities have caused increased costs for printing, communications, and travel. The travel deficiency is largely accounted for by the employment of 440 additional \$1 a year personnel whose per diem and transportation was not contemplated in the original budget. Provision for the financing of the War Overtime Compensation Act is also carried in the bill in the amount of \$5,403,000. These additional funds will be required to enable the Board to meet its pay-roll obligations at the end of May.

In making the reduction of \$530,000 in the estimate for research projects the committee has taken into consideration the fact that the fund will be available for obligation for approximately 1 month and while the list of projects desired to be placed under contract is in excess of the total requested the amount allowed will permit a careful selection. Further consideration of research funds will occur in the 1944 Budget.

OFFICE OF PRICE ADMINISTRATION

The Budget estimate of \$3,000,000 for printing and binding for the fiscal year 1943 is approved. This sum is granted at this time to permit the placing of orders for the printing in time for use in the next fiscal year of 140,000,000 copies of War Ration Book No. 4 to cost \$1,400,000; reordering of forms, coupon books, and other printed matter for gasoline rationing, \$1,342,397; and \$275,416 for printing for fuel-oil rationing for the coming heating season. Prompt placement of the orders for these printing supplies is necessary if they are to be available for use when required.

HOWARD UNIVERSITY

A Budget estimate of \$229,500 for conversion of the present power plant from use of fuel oil to coal is approved. The committee has changed the language of the Budget estimate so as to permit partial conversion to coal or to permit installation of an additional boiler for use of coal without disturbing the present oil-burning equipment. The conversion has been ordered by the Office of Price Administration. The plant burns approximately 40,000 barrels of oil a year. It serves both Howard University and Freedmen's Hospital. The conversion will require 6 to 8 months and if undertaken when these funds are available can be accomplished in time. The committee has taken up with the War Production Board the matter of a new boiler for use of coal. It hopes that priorities may be granted for it with retention of the oil-burning equipment for stand-by purposes. Such an arrangement would make a considerable saving in cost. However, due to acute shortness of time for conversion or adoption

of some change which will relieve the oil consumption the item in the alternate form has been included. The committee is advised that the conversion of the present two oil-burning boilers to use of coal would effect a saving of approximately \$25,000 a year based on present fuel costs.

OFFICE OF FISHERY COORDINATION

The committee has rejected a Budget estimate of \$20,000 for salaries and expenses of the Office of Fishery Coordination. This amount was requested for 1 month's operation in this fiscal year. The elimination is without prejudice to the merits of the project. A Budget estimate for the coming fiscal year will be presented in connection with the regular Department of the Interior appropriation bill for the fiscal year 1944 and the delay to that bill is not serious.

LIMITATIONS AND LEGISLATIVE PROVISIONS

The following limitations and legislative provisions not heretofore recommended in connection with any appropriation bill are included:

On page 3:

In carrying out the Act of March 11, 1941 (Public Law 11), as amended, transfers are authorized to be made from the consolidated appropriation for "Necessary Services and Expenses" to the consolidated appropriation for "Administrative Expenses" and the amounts so transferred shall be reimbursed by transfer from the appropriation first made hereafter for "Administrative Expenses" for carrying out such Act as amended.

On page 9:

Appropriations of the Treasury Department for the fiscal years 1943 and 1944 shall be available, in accordance with the Standardized Government Travel Regulations, the Subsistence Expense Act of 1926, as amended (5 U. S. C., ch. 16), and the Act of February 14, 1931, as amended (5 U. S. C. 73a), for the payment of travel expenses to and from their homes or regular places of business and per diem in lieu of subsistence at place of employment of persons employed intermittently away from their homes or regular places of business by the Treasury Department as consultants and receiving compensation on a per diem when actually employed basis.

On page 34, in connection with appropriations for war overtime compensation and other pay increases:

SEC. 202. The restrictions contained in appropriations or affecting appropriations or other funds, available during the fiscal year 1943, limiting the amounts which may be expended for personal services or for other purposes, are hereby waived to the extent necessary to meet the increases in compensation authorized by the act of August 1, 1942 (Public Law 694), amending section 13 of the Classification Act of 1923, the act of December 22, 1942 (Public Law 821), authorizing the payment of overtime compensation to civilian employees in or under the United States Government, the act of April 9, 1943 (Public Law 25), authorizing additional compensation for employees in the Postal Service, and by other legislation enacted during and applicable to the fiscal year 1943 authorizing overtime compensation for civilian employees of the Government: Provided, That the head of any department, establishment, or agency is hereby authorized to allocate from the sum herein appropriated under any appropriation title administered by him to any subappropriation under such title such amount as may be necessary for the purposes of this section.

On page 36:

Appropriations contained herein may be used to reimburse the emergency fund for the President for advances made therefrom to meet payroll obligations for which funds are provided in this Act.

URGENT DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1943

Comparative statement of the amounts requested in the Budget estimates, the amounts recommended in the accompanying bill, and the increase or decrease in the Budget estimate compared with the amounts recommended in the bill

[The year noted after each item indicates the fiscal year]

House Doc. No.	Department or agency	Amounts of Budget estimates, fiscal year 1943 and prior years	Amounts recommend- ed in bill fiscal year 1943 and prior years	Increase (+) or de- crease (-), bill com- pared with Budget estimates
TITLE I—GENERAL APPROPRIATIONS				
LEGISLATIVE				
HOUSE OF REPRESENTATIVES				
	Payment of pages, 1944-----	-----	\$34, 592. 00	+ \$34, 592. 00
	Stationery for Representatives, Delegates, and Resident Commis- sioner, fiscal years 1943 and 1944-----	-----	131, 400. 00	+ 131, 400. 00
	Total, House of Representatives-----	-----	165, 992. 00	+ 165, 992. 00
EXECUTIVE OFFICE OF THE PRESIDENT				
188	Foreign war relief, 1944-----	Reappropriation	Reappropriation	-----
189	Emergency fund for the President, 1944-----	Reappropriation	Reappropriation	-----
174	Office for Emergency Management—War Production Board, 1943-----	\$5, 027, 000. 00	4, 363, 000. 00	— 664, 000. 00
169	Office of Price Administration, 1943-----	3, 000, 000. 00	3, 000, 000. 00	-----
	Total, Executive Office of the President-----	8, 027, 000. 00	7, 363, 000. 00	— 664, 000. 00

Comparative statement of the amounts requested in the budget estimates, the amounts recommended in the accompanying bill, and the increase or decrease in the Budget estimate compared with the amounts recommended in the bill—Con.

[The year noted after each item indicates the fiscal year]

House Doc. No.	Department or agency	Amounts of Budget estimates, fiscal year 1943 and prior years	Amounts recommend- ed in bill, fiscal year 1943 and prior years	Increase (+) or de- crease (-), bill com- pared with Budget estimates
TITLE I—GENERAL APPROPRIATIONS—Continued				
INDEPENDENT EXECUTIVE AGENCIES				
FEDERAL SECURITY AGENCY				
191	Public Health Service:			
	Miscellaneous and contingent expenses, 1943-----	\$31, 000. 00	\$31, 000. 00	-----
	Training for nurses, 1943-----	609, 000. 00	609, 000. 00	-----
191	Freedmen's Hospital, maintenance, 1943-----	55, 000. 00	55, 000. 00	-----
175	Howard University, conversion of power plant from oil to coal fuel, 1943 and 1944-----	229, 500. 00	229, 500. 00	-----
	Total, Federal Security Agency-----	924, 500. 00	924, 500. 00	-----
FEDERAL WORKS AGENCY				
185	Public Buildings Administration:			
	Buildings in the District of Columbia, operation and mainte- nance, 1943-----	1, 203, 800. 00	1, 203, 800. 00	-----

	Buildings outside the District of Columbia, operation and maintenance, 1943-----	876, 000. 00	876, 000. 00	-----
	Total, Federal Works Agency-----	2, 079, 800. 00	2, 079, 800. 00	-----
	VETERANS' ADMINISTRATION			-----
176	Vocational rehabilitation revolving fund, 10-year-----	500, 000. 00	500, 000. 00	-----
	Total, independent executive agencies-----	3, 504, 300. 00	3, 504, 300. 00	-----
	DEPARTMENT OF AGRICULTURE			-----
	BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE			-----
194	Gipsy and brown-tail moth control, ¹ 1943-----	137, 400. 00	137, 400. 00	-----
	DEPARTMENT OF THE INTERIOR			-----
183	Office of Fishery Coordination, 1943-----	20, 000. 00	-----	-----\$20, 000. 00
	BUREAU OF RECLAMATION			-----
183	Vale project, Oregon, operation and maintenance, 1943-----	4, 000. 00	4, 000. 00	-----
183	Kendruck project, Wyoming, 1943-----	(¹)	(¹)	-----
183	Boulder Canyon project, 1943-----	(²)	(³)	-----
	GOVERNMENT IN THE TERRITORIES			-----
183	Government of Virgin Islands, salaries and expenses, 1943-----	7, 000. 00	-----	-----7, 000. 00
183	Agricultural experiment station and vocational school, Virgin Islands, salaries and expenses, 1943-----	2, 100. 00	-----	-----2 100. 00

¹ Increase from \$100,000 to \$110,000 of amount that may be expended from power revenues.² Increase from \$750,000 to \$1,170,000 of amount that may be expended from revenues.³ Increase from \$750,000 to \$950,000 of amount that may be expended from revenues.

Comparative statement of the amounts requested in the budget estimates, the amounts recommended in the accompanying bill, and the increase or decrease in the Budget estimate compared with the amounts recommended in the bill—Con.

[The year noted after each item indicates the fiscal year]

House Doc. No.	Department or agency	Amounts of Budget estimates, fiscal year 1943 and prior years	Amounts recommend- ed in bill, fiscal year 1943 and prior years	Increase (+) or de- crease (-), bill com- pared with Budget estimates
TITLE 1—GENERAL APPROPRIATIONS—Continued				
DEPARTMENT OF INTERIOR—continued				
GOVERNMENT IN THE TERRITORIES—continued				
183	Defraying deficits in treasuries of municipal governments, Virgin Is- lands, 1943-----	\$45, 000. 00	\$45, 000. 00	-----
183	Puerto Rican hurricane relief, 1943-----	(4)	-----	-----
	Total, Government in the Territories-----	54, 100. 00	45, 000. 00	-\$9, 100. 00
	Total, Department of the Interior-----	78, 100. 00	49, 000. 00	-29, 100. 00
DEPARTMENT OF JUSTICE				
OFFICE OF ATTORNEY GENERAL				
193	Fees and expenses of conciliation commissioners, United States courts, 1937-----	335. 98	335. 98	-----
193	Probation system, United States courts, 1939-----	. 88	. 88	-----
193	Traveling expenses, 1943-----	70, 000. 00	70, 000. 00	-----

MISCELLANEOUS				
193	Lands Division, salaries and expenses, 1943-----	280,000.00	280,000.00	-----
193	District attorneys, salaries, etc., 1943-----	205,000.00	205,000.00	-----
193	Marshals, salaries and expenses, 1943-----	375,000.00	⁵ 233,000.00	-- 142,000.00
193	Bailiffs, salaries and expenses, 1943-----	10,000.00	10,000.00	-----
PENAL AND CORRECTIONAL INSTITUTIONS				
193	United States prisoners, support of, 1943-----	150,000.00	150,000.00	-----
	Total, Department of Justice-----	1,090,336.86	948,336.86	-- 142,000.00
DEPARTMENT OF STATE				
187	Printing and binding, 1943-----	20,000.00	20,000.00	-----
TREASURY DEPARTMENT				
SECRETARY'S OFFICE				
182	Adjusted Compensation Payment Act, administrative expenses, 1943-----	3,500.00	3,500.00	-----
BUREAU OF ACCOUNTS				
181	Refund of moneys erroneously received and covered, 1943-----	50,000.00	50,000.00	-----
	Total, Treasury Department-----	53,500.00	53,500.00	-----
	Total, Title I-----	12,910,636.86	12,241,528.86	-- 669,108.00

⁴ Increase from \$19,950 to \$22,350 in amount of previous balances that may be used for administrative expenses.

⁵ \$142,000 transferred to Department of Justice, Title II, Overtime Pay.

Comparative statement of the amounts requested in the budget estimates, the amounts recommended in the accompanying bill, and the increase or decrease in the Budget estimate compared with the amounts recommended in the bill—Con.

[The year noted after each item indicates the fiscal year]

House Doc. No.	Department or agency	Amounts of Budget estimates, fiscal year 1943 and prior years	Amounts recommend- ed in bill, fiscal year 1943 and prior years	Increase (+) or de- crease (-), bill com- pared with Budget estimates
TITLE II—WAR OVERTIME PAY AND OTHER COMPENSATION INCREASES				
184	Legislative Branch, 1943-----	\$515,741.00	\$515,742.00	+\$1.00
184	The Judiciary, 1943-----	164,839.00	175,289.00	+10,450.00
184	Executive Office of the President, 1943-----	20,200,400.00	20,200,400.00	-----
184	Independent Executive Agencies, 1943-----	15,234,500.00	\$15,234,500.00	-----
184	Department of Agriculture, 1943-----	4,588,600.00	4,588,600.00	-----
184	Department of Commerce, 1943-----	1,810,700.00	1,810,700.00	-----
184	Department of the Interior, 1943-----	650,820.00	650,820.00	-----
184	Department of Justice, 1943-----	5,542,500.00	5,314,600.00	-227,900.00
184	Department of Labor, 1943-----	353,400.00	353,400.00	-----
184	Post Office Department, 1943-----	61,128,300.00	61,128,300.00	-----
184	Department of State, 1943-----	1,001,600.00	1,001,600.00	-----
184	Treasury Department, 1943-----	10,202,600.00	10,202,600.00	-----

184	War Department—Civil functions, 1943-----	359, 400. 00	359, 400. 00	-----
184	District of Columbia, 1943-----	363, 800. 00	363, 800. 00	-----
	Total, Title II-----	122, 117, 200. 00	121, 899, 751. 00	- 217, 449. 00
	Grand total, Titles I and II-----	135, 027, 836. 86	134, 141, 279. 86	- 886, 557. 00

○

Union Calendar No. 157

78TH CONGRESS
1ST SESSION

H. R. 2714

[Report No. 447]

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1943

Mr. CANNON of Missouri, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the state of the Union and ordered to be printed

A BILL

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any money
- 4 in the Treasury not otherwise appropriated, to supply urgent
- 5 deficiencies in certain appropriations for the fiscal year ending
- 6 June 30, 1943, and for prior fiscal years, and for other
- 7 purposes, namely:

1 TITLE I—GENERAL APPROPRIATIONS

2 LEGISLATIVE

3 HOUSE OF REPRESENTATIVES

4 For payment of forty-seven pages, including ten pages
5 for duty at the entrances to the Hall of the House, from July
6 1 to December 31, 1943, both inclusive, at \$4 per day each,
7 \$34,592.

8 For an additional allowance for stationery of \$300 for
9 each Representative, Delegate, and the Resident Commis-
10 sioner from Puerto Rico, for the first session of the Seventy-
11 eighth Congress, \$131,400, to remain available until June
12 30, 1944.

13 EXECUTIVE OFFICE OF THE PRESIDENT

14 FOREIGN WAR RELIEF

15 The appropriation "Foreign war relief" contained in the
16 Second Deficiency Appropriation Act, 1942, is hereby con-
17 tinued available until June 30, 1944.

18 EMERGENCY FUND FOR THE PRESIDENT

19 The appropriation "Emergency fund for the President,"
20 contained in the First Supplemental National Defense Ap-
21 propriation Act, 1943, as supplemented by the Second Sup-
22 plemental National Defense Appropriation Act, 1943, is
23 hereby continued available until June 30, 1944, and the
24 limitation on the amount which may be expended for objects
25 of a confidential nature is hereby increased by \$25,000,000.

DEFENSE AID

In carrying out the Act of March 11, 1941, (Public Law 11), as amended, transfers are authorized to be made from the consolidated appropriation for "Necessary services and expenses" to the consolidated appropriation for "Administrative expenses" and the amounts so transferred shall be reimbursed by transfer from the appropriation first made hereafter for "Administrative expenses" for carrying out such Act as amended.

OFFICE FOR EMERGENCY MANAGEMENT

War Production Board: For an additional amount for the Office for Emergency Management, War Production Board, fiscal year 1943, including the objects specified for the appropriation under this head in the First Supplemental National Defense Appropriation Act, 1943, and including the purchase or hire of fifteen passenger-carrying automobiles; reimbursement, at not to exceed 3 cents per mile, of employees for expenses incurred by them in performance of official travel in privately owned automobiles within the limits of their official stations; not to exceed \$20,000 for the temporary employment of persons (including aliens) or organizations by contract or otherwise without regard to the civil service and classification laws; not to exceed \$1,250,000 additional for scientific research on materials, material substitutes, and other subjects related to the functions of the

1 Board; and, in addition to the amounts authorized by section
2 203 of such Act, not to exceed \$1,207,000 for travel, and
3 not to exceed \$700,000 for printing and binding;
4 \$4,363,000.

5 OFFICE OF PRICE ADMINISTRATION

6 For printing and binding for the Office of Price Admin-
7 istration, fiscal year 1943, in addition to the amount author-
8 ized by section 203 of the First Supplemental National
9 Defense Appropriation Act, 1943, \$3,000,000: *Provided*,
10 That the limitation on the amount for printing and binding
11 for the Office of Price Administration for such fiscal year
12 shall not apply to obligations incurred for the printing of
13 forms, instructions, regulations, and coupon books incidental
14 to the rationing of commodities.

15 INDEPENDENT EXECUTIVE AGENCIES

16 FEDERAL SECURITY AGENCY

17 PUBLIC HEALTH SERVICE

18 Miscellaneous and contingent expenses: For an addi-
19 tional amount for "Miscellaneous and contingent expenses",
20 fiscal year 1943, including the objects specified under this
21 head in the Federal Security Agency Appropriation Act,
22 1943, \$31,000.

23 Training for nurses, Public Health Service (national
24 defense) : For an additional amount for "Training for nurses

1 (national defense)”, fiscal year 1943, including the objects
2 specified under this head in the Federal Security Agency
3 Appropriation Act, 1943, \$609,000.

4 FREEDMEN’S HOSPITAL

5 Miscellaneous expenses: For an additional amount for
6 “Miscellaneous expenses”, Freedmen’s Hospital, fiscal year
7 1943, including the objects specified under this head in the
8 Federal Security Agency Appropriation Act, 1943, \$55,000:
9 *Provided*, That the foregoing appropriation shall be charge-
10 able to the District of Columbia as specified under this head
11 in such appropriation act.

12 HOWARD UNIVERSITY

13 For an additional amount, for “Expenses, Howard Uni-
14 versity”, for the fiscal year 1943, to be used for partial or
15 total conversion of the existing power plant at Howard
16 University from the use of oil as fuel to the use of coal or for
17 an additional boiler and facilities for use of coal as fuel,
18 including the cost of engineering and architectural services,
19 \$229,500, to be available until June 30, 1944.

20 FEDERAL WORKS AGENCY

21 PUBLIC BUILDINGS ADMINISTRATION

22 Salaries and expenses, public buildings and grounds in
23 the District of Columbia and adjacent area: For an additional
24 amount, fiscal year 1943, including the objects specified

1 under this head in the Independent Offices Appropriation
2 Act, 1943, \$1,203,800.

3 Salaries and expenses, public buildings and grounds out-
4 side the District of Columbia: For an additional amount,
5 fiscal year 1943, including the objects specified under this
6 head in the Independent Offices Appropriation Act, 1943,
7 \$876,000.

8 VETERANS' ADMINISTRATION

9 Vocational rehabilitation revolving fund (Act of March
10 24, 1943): To enable the Administrator of Veterans'
11 Affairs to carry out the provisions of paragraph 8, part VII,
12 of Veterans Regulation Numbered 1 (a), as amended by
13 Public Law 16, Seventy-eighth Congress, \$500,000, to be
14 utilized as a revolving fund and to remain available until
15 expended.

16 DEPARTMENT OF AGRICULTURE

17 BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

18 SALARIES AND EXPENSES

19 Gypsy and brown-tail moth control: For an additional
20 amount for gypsy and brown-tail moth control, fiscal year
21 1943, including the objects specified for the appropriation
22 for this purpose in the Department of Agriculture Appropria-
23 tion Act, 1943, \$137,400.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Vale project, Oregon: For an additional amount for operation and maintenance, from the reclamation fund, special fund, fiscal year 1943, \$4,000.

Kendrick project, Wyoming: The limitation of \$100,000 upon the amount that may be expended from power revenues for the operation and maintenance of the power system, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$110,000.

Boulder Canyon project: The limitation of \$750,000 upon the amount which may be expended from power and other revenues for operation, maintenance, and replacements, including other specific purposes, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$950,000.

GOVERNMENT IN THE TERRITORIES

Defraying deficits in treasuries of municipal governments, Virgin Islands: For an additional amount, fiscal year 1943, for defraying the deficit in the treasury of the municipal government of Saint Croix because of the excess of current expenses over current revenues for the fiscal year 1943, \$45,000.

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

Fees and expenses of conciliation commissioners, United States courts: For an additional amount for fees and expenses of conciliation commissioners, United States courts, fiscal years 1937-40, including the objects specified under this head in the Second Deficiency Appropriation Act, fiscal year 1937 (50 Stat. 224), \$335.98.

Probation system, United States courts: For an additional amount for probation system, United States courts, fiscal year 1939 (52 Stat. 264), 88 cents.

Traveling expenses, Department of Justice: For an additional amount for traveling expenses, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$70,000.

MISCELLANEOUS

Salaries and expenses, Lands Division: For an additional amount for salaries and expenses, Lands Division, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$280,000.

Salaries and expenses of district attorneys, and so forth: For an additional amount for salaries and expenses of district attorneys, and so forth, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$205,000.

1 Salaries and expenses of marshals, and so forth: For an
 2 additional amount for salaries and expenses of marshals, and
 3 so forth, fiscal year 1943, including the objects specified
 4 under this head in the Department of Justice Appropriation
 5 Act, 1943, \$233,000.

6 Pay and expenses of bailiffs: For an additional amount
 7 for pay and expenses of bailiffs, fiscal year 1943, including
 8 the objects specified under this head in the Department of
 9 Justice Appropriation Act, 1943, \$10,000.

10 PENAL AND CORRECTIONAL INSTITUTIONS

11 Support of United States prisoners: For an additional
 12 amount for support of United States prisoners, fiscal year
 13 1943, including the objects specified under this head in the
 14 Department of Justice Appropriation Act, 1943, \$150,000.

15 DEPARTMENT OF STATE

16 Printing and binding: For an additional amount for the
 17 appropriation, "Printing and binding, Department of State",
 18 fiscal year 1943, \$20,000.

19 TREASURY DEPARTMENT

20 OFFICE OF THE SECRETARY

21 Appropriations of the Treasury Department for the fiscal
 22 years 1943 and 1944 shall be available, in accordance with
 23 the Standardized Government Travel Regulations, the Sub-
 24 sistence Expense Act of 1926, as amended (5 U. S. C., ch.

16), and the Act of February 14, 1931, as amended (5 U. S. C. 73a), for the payment of travel expenses to and from their homes or regular places of business and per diem in lieu of subsistence at place of employment of persons employed intermittently away from their homes or regular places of business by the Treasury Department as consultants and receiving compensation on a per diem when actually employed basis.

Administrative expenses, Adjusted Compensation Payment Act, 1936: For transfer to the Post Office Department to cover registry fees and postage on mailings of bonds issued under the provisions of the Adjusted Compensation Payment Act of 1936, fiscal year 1943, \$3,500.

BUREAU OF ACCOUNTS

Refund of moneys erroneously received and covered: For an additional amount for refund of moneys erroneously received and covered, fiscal year 1943, \$50,000.

TITLE II—WAR OVERTIME PAY AND OTHER COMPENSATION INCREASES

SEC. 201. For additional amounts for appropriations for the fiscal year 1943, for the payment of increases in compensation authorized by the acts of August 1, 1942 (Public Law 694, Seventy-seventh Congress), December 22, 1942 (Public Law 821, Seventy-seventh Congress), April 9, 1943 (Public

1 Law 25, Seventy-eighth Congress), and May 7, 1943 (Pub-
 2 lic Law 49, Seventy-eighth Congress), as follows:

3 LEGISLATIVE BRANCH

4 For reporting debates and proceedings, Senate, 1943,
 5 \$846;

6 Salaries, Capitol Police, Senate, 1943, \$6,373;

7 Salaries and expenses, Joint Committee on Printing,
 8 Senate, 1943, \$458;

9 Salaries, officers and employees, House of Representa-
 10 tives, 1943, \$60,402;

11 Clerk hire, Members and Delegates, House of Repre-
 12 sentatives, 1943, \$177,225;

13 Salaries, Capitol Police, House of Representatives, 1943,
 14 \$830;

15 Salaries and expenses, Joint Committee on Printing,
 16 House of Representatives, 1943, \$63;

17 Capitol Building and repairs, 1943, \$17,100;

18 Maintenance, legislative garage, 1943, \$1,157;

19 Maintenance, Senate Office Building, 1943, \$4,500;

20 Maintenance, House Office Buildings, 1943, \$23,556;

21 Capitol power plant, 1943, \$22,237;

22 Library buildings and grounds, 1943, \$9,978;

23 Salaries, Botanic Garden, 1943, \$2,810;

24 Salaries, Library proper, Library of Congress, 1943,
 25 \$36,964;

1 Salaries, Copyright Office, Library of Congress, 1943,
2 \$2,750;

3 Legislative Reference Service, Library of Congress,
4 1943, \$9,070;

5 Distribution of card indexes, Library of Congress, 1943,
6 \$7,217;

7 Index to State legislation, Library of Congress, 1943,
8 \$1,596;

9 Union catalogs, Library of Congress, 1943, \$476;

10 Salaries, Library buildings, Library of Congress, 1943,
11 \$40,704;

12 Salaries, Office of the Superintendent of Documents,
13 1943, \$89,430;

14 Total, Legislative Establishment, \$515,742.

15 THE JUDICIARY

16 For care of Supreme Court Building and grounds,
17 1943, \$2,566;

18 Salaries, United States Court of Customs and Patent
19 Appeals, 1943, \$1,979;

20 Salaries and expenses of clerks, United States Courts,
21 1943, \$141,338;

22 Miscellaneous salaries, United States Courts, 1943,
23 \$10,000;

1 Probation system, United States Courts, 1943, \$16,658:

2 Salaries, Administrative Office, United States Courts,
3 1943, \$2,748;

4 Total, The Judiciary, \$175,289.

5 EXECUTIVE OFFICE OF THE PRESIDENT

6 For salaries and expenses, National Resources Planning
7 Board, 1943, \$23,900;

8 National defense activities, National Resources Planning
9 Board, 1943, \$8,000;

10 Salaries and expenses, Board of Economic Warfare,
11 1943, \$889,000.

12 Office for Emergency Management:

13 For Selective Service System, War Manpower Com-
14 mission, 1943, \$2,603,000;

15 Grants to States, employment services, War Man-
16 power Commission, 1943, \$798,500;

17 Training within industry, War Manpower Commis-
18 sion, 1943, \$25,000;

19 Salaries and expenses, War Production Board,
20 1943, \$5,403,000;

21 Salaries and expenses, Office of Price Administration,
22 1943, \$10,450,000;

23 Total, Executive Office of the President, \$20,200,400.

1 INDEPENDENT ESTABLISHMENTS

2 For salaries and expenses, Civil Service Commission,
3 1943, \$570,000;

4 Salaries and expenses, Civil Service Commission (na-
5 tional defense), 1943, \$520,000;

6 Salaries and expenses, Federal Communications Com-
7 mission, 1943, \$85,000;

8 Salaries and expenses, Federal Communications Com-
9 mission (national defense), 1943, \$215,000;

10 Safety of employees, Interstate Commerce Commission,
11 1943, \$29,300;

12 Signal safety systems, Interstate Commerce Commission,
13 1943, \$1,900;

14 Locomotive inspection, Interstate Commerce Commis-
15 sion, 1943, \$21,600;

16 Advisory Committee for Aeronautics, 1943, \$852,000;

17 Salaries, National Labor Relations Board, 1943,
18 \$19,800;

19 Salaries and expenses, National Labor Relations Board
20 (national defense), 1943, \$21,000;

21 Salaries and expenses, National Mediation Board, 1943,
22 \$4,000;

23 Salaries and expenses, National Railroad Adjustment
24 Board, National Mediation Board, 1943, \$6,700;

1 Preservation of collections, Smithsonian Institution,
2 1943, \$53,040;

3 Salaries and expenses, National Gallery of Art, 1943,
4 \$22,460;

5 United States Tariff Commission, 1943, \$62,500;

6 Construction fund, United States Maritime Commission,
7 act of June 29, 1936, revolving fund (the amount that may
8 be used for administrative expenses for fiscal year 1943 is
9 hereby increased by \$1,875,000) ;

10 Salaries and expenses, Veterans' Administration, 1943.
11 \$6,775,000;

12 Total, independent establishments, \$9,259,300.

13 FEDERAL SECURITY AGENCY

14 For salaries, office of general counsel, Federal Security
15 Agency, 1943, \$21,300;

16 Columbia Institution for the Deaf, Federal Security
17 Agency, 1943, \$12,200;

18 Salaries and expenses, Food and Drug Administration.
19 Federal Security Agency, 1943, \$62,600;

20 Salaries, Freedmen's Hospital, Federal Security Agency.
21 1943, \$22,700;

22 Salaries, Howard University, Federal Security Agency.
23 1943, \$57,000;

24 Salaries, Office of Education, 1943, \$15,200;

- 1 Library service and research, Office of Education, 1943.
- 2 \$780;
- 3 Salaries and expenses, vocational education, Office of
- 4 Education, 1943, \$11,500;
- 5 Salaries and expenses, vocational rehabilitation, Office of
- 6 Education, 1943, \$3,320;
- 7 Salaries and expenses, Office of Education (national de-
- 8 fense), 1943, \$24,000;
- 9 Salaries, Office of Surgeon General, Public Health Serv-
- 10 ice, 1943, \$50,400;
- 11 Pay of personnel and maintenance of hospitals, Public
- 12 Health Service, 1943, \$975,000;
- 13 Expenses, Division of Mental Hygiene, Public Health
- 14 Service, 1943, \$71,800;
- 15 Disease and sanitation investigations, Public Health Serv-
- 16 ice, 1943, \$5,900;
- 17 Salaries and expenses, National Institute of Health, Pub-
- 18 lic Health Service, 1943, \$79,200;
- 19 Emergency health and sanitation activities, Public Health
- 20 Service (national defense), 1943, \$289,700;
- 21 Saint Elizabeths Hospital, Federal Security Agency,
- 22 1943, \$105,500;

1 Salaries, Offices of the Social Security Board, 1943,
2 \$28,900;

3 Salaries, Bureau of Old-Age and Survivors' Insurance,
4 Social Security Board, 1943, \$322,200;

5 Salaries, Bureau of Employment Security, Social Se-
6 curity Board, 1943, \$3,500;

7 Total, Federal Security Agency, \$2,162,700.

8 FEDERAL WORKS AGENCY

9 For general administrative expenses, Public Buildings
10 Administration, 1943, \$45,500;

11 Salaries and expenses, public buildings and grounds in
12 the District of Columbia and adjacent area, Public Buildings
13 Administration, 1943, \$3,000,000;

14 Salaries and expenses, public buildings and grounds out-
15 side the District of Columbia, Public Buildings Administra-
16 tion, 1943, \$767,000;

17 Administrative expenses, Public Works Administration,
18 1943 (increase in limitation on prior year unobligated funds,
19 \$3,500).

20 Total, Federal Works Agency, \$3,812,500.

21 DEPARTMENT OF AGRICULTURE

22 For salaries, office of Secretary of Agriculture, 1943,
23 \$90,000;

1 Salaries and expenses, Library, Department of Agricul-
2 ture, 1943, \$39,400;

3 Salaries and expenses, Bureau of Agricultural Economics,
4 1943, \$205,000;

5 Salaries and expenses, Office of Foreign Agricultural Re-
6 lations, 1943, \$22,400;

7 Administrative expenses, Agricultural War Relations,
8 Food Production Administration, 1943, \$6,000;

9 Administrative expenses, Agricultural War Relations,
10 Food Distribution Administration, 1943, \$1,000;

11 Salaries and expenses, Office of Administrator, Agri-
12 cultural Research Administration, 1943, \$700;

13 Salaries and expenses, Experiment Stations, Agricultural
14 Research Administration, 1943, \$10,500;

15 Salaries and expenses, Animal Industry, Agricultural
16 Research Administration, 1943, \$10,000;

17 Salaries and expenses, Plant Industry, Soils, and Agri-
18 cultural Engineering, 1943, \$47,000;

19 Salaries and expenses, Agricultural and Industrial Chem-
20 istry, Agricultural Research Administration, 1943, \$1,400;

21 Salaries and expenses, Entomology and Plant Quarant-
22 ine, Agricultural Research Administration, 1943, \$234,000;

23 Salaries and expenses, Human Nutrition and Home
24 Economics, Agricultural Research Administration, 1943,
25 \$9,200;

1 Beltsville Research Center, Agricultural Research Ad-
2 ministration, 1943, \$7,000;

3 White pine blister rust control, Department of Agricul-
4 ture, 1943, \$52,000;

5 Salaries and expenses, Forest Service, 1943, \$997,000;

6 Forest fire cooperation, 1943, \$2,000;

7 Administrative expenses, Commodity Credit Corporation,
8 Department of Agriculture, 1943 (the amount that may be
9 used for administrative expenses is hereby increased by
10 \$230,900) ;

11 Salaries and expenses, Soil Conservation Service, 1943,
12 \$1,535,000;

13 Land utilization and retirement of submarginal land,
14 Department of Agriculture, 1943, \$80,000;

15 Salaries and expenses, Marketing Service, Food Distri-
16 bution Administration, 1943, \$1,239,000;

17 Total, Department of Agriculture, \$4,588,600.

18 DEPARTMENT OF COMMERCE

19 For salaries, Office of the Secretary, 1943, \$19,800;

20 Expenses of the Sixteenth Census, 1943, \$100,000;

21 Salaries and expenses, Bureau of the Census, 1943,
22 \$217,000;

23 General administration, Office of Administrator of Civil
24 Aeronautics, 1943, \$29,000;

- 1 Maintenance of air-navigation facilities, Office of Admin-
2 istrator of Civil Aeronautics, 1943, \$653,000;
- 3 Maintenance and operation, Washington National Air-
4 port, Office of Administrator of Civil Aeronautics, 1943,
5 \$28,000;
- 6 Magnetic and seismological work, Coast and Geodetic
7 Survey, 1943, \$6,200;
- 8 Geodetic control surveys, Coast and Geodetic Survey,
9 1943, \$30,100;
- 10 Salaries, Coast and Geodetic Survey, 1943, \$83,800;
- 11 Aeronautical charts, Coast and Geodetic Survey, 1943,
12 \$24,700;
- 13 Operation and administration, National Bureau of Stand-
14 ards, 1943, \$47,400;
- 15 Testing, inspection, and information service, National
16 Bureau of Standards, 1943, \$77,500;
- 17 Research and development, National Bureau of Stand-
18 ards, 1943, \$52,800;
- 19 Standards for commerce, National Bureau of Standards,
20 1943, \$16,400;
- 21 Salaries and expenses, Weather Bureau, Department of
22 Commerce, 1943, \$425,000;
- 23 Total, Department of Commerce, \$1,810,700.

DEPARTMENT OF THE INTERIOR

1
2 For salaries, Office of Secretary of the Interior, 1943,
3 \$83,000;

4 Salaries, Office of Solicitor, Department of the Interior,
5 1943, \$15,200;

6 Salaries and expenses, Grazing Service, Department of
7 the Interior, 1943, \$64,300;

8 Salaries, General Land Office, 1943, \$4,500;

9 Salaries and commissions of registers of land offices,
10 1943, \$1,940;

11 Revested Oregon and California Railroad and recon-
12 veyed Coos Bay Wagon Road grant lands, Oregon (reim-
13 bursable), 1943, \$11,630;

14 Salaries, Geological Survey, 1943, \$8,300;

15 Salaries, Bureau of Indian Affairs, 1943, \$2,500;

16 Maintaining law and order on Indian reservations, 1943,
17 \$7,000;

18 Expenses of organizing Indian corporations, and so forth,
19 1943, \$4,300;

20 Expenses, sale of timber (reimbursable), 1943, \$5,000;

21 Maintenance, San Carlos irrigation project, Gila River
22 Reservation, Arizona (receipt limitation), 1943 (from
23 operation and maintenance collections), \$18,000;

1 Improvement and maintenance, irrigation system, Colo-
 2 rado River Reservation, Arizona (reimbursable), 1943,
 3 \$1,000;

4 Improvement and maintenance, irrigation system, Colo-
 5 rado River Reservation, Arizona (receipt limitations),
 6 1943 (from operation and maintenance collections), \$1,000;

7 Maintenance, irrigation systems, Fort Peck Reservation,
 8 Montana (reimbursable), 1943, \$1,000;

9 Improvement and maintenance, irrigation systems,
 10 Blackfeet Reservation, Montana (reimbursable), 1943,
 11 \$250;

12 Improvement and maintenance, irrigation systems, Crow
 13 Reservation, Montana (reimbursable), 1943, \$500;

14 Improvement and maintenance, irrigation systems, Crow
 15 Reservation, Montana (receipt limitation), 1943 (from
 16 operation and maintenance collections), \$2,500;

17 Improvement and maintenance, irrigation systems, Klamath
 18 Reservation, Oregon (reimbursable), 1943, \$350;

19 Maintenance, irrigation systems, Wind River Reserva-
 20 tion and ceded lands, Wyoming (reimbursable), 1943,
 21 \$2,000;

22 Indian boarding schools, 1943, \$85,000;

23 Administration of Indian property, 1943, \$50,000;

24 Miscellaneous Indian tribal funds, 1943:

1 Arizona: Pima (Camp McDowell), \$100, and
2 Truxton Cañon, \$690; in all, \$790;

3 California: Mission, \$990;

4 Oregon: Klamath, \$9,900;

5 Utah: Uintah and Ouray, \$220;

6 Washington: Colville, \$600, and Taholah, \$140;
7 in all, \$740;

8 Support of Osage Agency and pay of tribal officers,
9 Oklahoma, \$7,400;

10 Protection of project works, Bureau of Reclamation
11 (national defense), 1943, \$50,000;

12 Advances to Colorado dam fund, Boulder Canyon proj-
13 ect, 1943 (amount that may be used from power and other
14 revenues increased by \$29,500) ;

15 Reclamation fund, special fund, Kendrick project, Wyo-
16 ming, 1943 (amount that may be used from power revenues
17 increased by \$9,500) ;

18 Coal-mine inspections and investigations, Bureau of
19 Mines, 1943, \$39,000;

20 Investigation of domestic sources of mineral supply, Bu-
21 reau of Mines (national defense), 1943, \$30,000;

22 Manganese beneficiation pilot plants and research, Bu-
23 reau of Mines (national defense)', 1943, \$60,000;

1 Expenses, mining experiment stations, Bureau of Mines,
2 1943, \$20,000;

3 Care, and so forth, buildings and grounds, Bureau of
4 Mines, Pittsburgh, Pennsylvania, 1943, \$9,900;

5 Magnesium pilot plants and research (national defense),
6 1943, \$60,000;

7 Salaries and expenses, Government of the Virgin Islands,
8 1943, \$12,250;

9 Salaries and expenses, agricultural experiment station
10 and vocational school, Virgin Islands, 1943, \$400;

11 Puerto Rican hurricane relief, administrative expenses,
12 Department of the Interior, 1943 (the amount of available
13 unobligated funds that may be used is hereby increased by
14 \$1,790) ;

15 Total, Department of the Interior, \$650,820.

16 DEPARTMENT OF JUSTICE

17 For salaries, Office of Assistant Solicitor General,
18 Department of Justice, 1943, \$1,160;

19 Salaries, Office of Assistant to the Attorney General,
20 1943, \$4,800;

21 Salaries, Administrative Division, Department of Justice,
22 1943, \$92,800;

23 Salaries, Criminal Division, Department of Justice,
24 1943, \$34,100;

1 Salaries, Office of Pardon Attorney, Department of
2 Justice, 1943, \$2,140;

3 Salaries and expenses, Lands Division, Department of
4 Justice, 1943, \$226,000;

5 Miscellaneous salaries and expenses, field, Department
6 of Justice, 1943, \$10,600;

7 Salaries and expenses of district attorneys, etc.,
8 Department of Justice, 1943, \$264,700;

9 Salaries and expenses of marshals, etc., Department of
10 Justice, 1943, \$231,000;

11 Pay and expenses of bailiffs, Department of Justice,
12 1943, \$20,500;

13 Salaries and expenses, Federal Bureau of Investigation,
14 1943, \$497,000;

15 Salaries and expenses, Federal Bureau of Investigation
16 (national defense), 1943, \$2,125,000;

17 Salaries and expenses, Immigration and Naturalization
18 Service, 1943, \$1,788,000;

19 Support of United States prisoners, 1943, \$16,800;

20 Total, Department of Justice, \$5,314,600.

21 DEPARTMENT OF LABOR

22 For salaries, Office of the Secretary of Labor, 1943,
23 \$32,400;

1 Salaries and expenses, Office of the Solicitor, Depart-
2 ment of Labor, 1943, \$13,900;

3 Salaries and expenses, Division of Labor Standards,
4 Department of Labor, 1943, \$7,500;

5 Salaries and expenses, safety and health program,
6 Department of Labor (national defense), 1943, \$11,000;

7 Salaries and expenses, Commissioners of Conciliation,
8 Department of Labor, 1943, \$26,300;

9 Salaries and expenses, Bureau of Labor Statistics, 1943,
10 \$107,400;

11 Salaries and expenses, Bureau of Labor Statistics
12 (national defense), 1943, \$100,000;

13 Salaries and expenses, Children's Bureau, 1943,
14 \$14,900;

15 Salaries and expenses, child labor provisions, Fair Labor
16 Standards Act, Children's Bureau, 1943, \$10,500;

17 Salaries and expenses, maternal and child welfare, Social
18 Security Act, Children's Bureau, 1943, \$13,600;

19 Salaries and expenses, Women's Bureau, 1943, \$15,900;

20 Total, Department of Labor, \$353,400.

21 POST OFFICE DEPARTMENT

22 (Out of the postal revenues)

23 For Salaries, Office of the Postmaster General, 1943,
24 \$22,800;

1 Salaries, Office of Budget and Administrative Planning,
2 1943, \$330;

3 Salaries, Office of the First Assistant Postmaster Gen-
4 eral, 1943, \$56,400;

5 Salaries, Office of the Second Assistant Postmaster
6 General, 1943, \$44,300;

7 Salaries, Office of the Third Assistant Postmaster
8 General, 1943, \$56,870;

9 Salaries, Office of the Fourth Assistant Postmaster Gen-
10 eral, 1943, \$9,200;

11 Salaries, Office of the Solicitor for the Post Office De-
12 partment, 1943, \$3,000;

13 Salaries, Office of the Chief Inspector, 1943, \$20,000;

14 Salaries, Office of the Purchasing Agent, 1943, \$2,200;

15 Salaries, Bureau of Accounts, 1943, \$14,200;

16 Post Office inspectors, salaries, 1943, \$158,000;

17 Post Office inspectors, clerks, division headquarters,
18 1943, \$8,300;

19 Compensation to postmasters, 1943, \$5,088,200;

20 Compensation to assistant postmasters, 1943, \$971,900;

21 Clerks, first- and second-class post offices, 1943,
22 \$24,329,000;

23 Separating mails, 1943, \$28,600;

24 Unusual conditions at post offices, 1943, \$82,000;

- 1 Clerks, third-class post offices, 1943, \$564,000;
- 2 Miscellaneous items, first- and second-class post offices,
- 3 1943, \$3,900;
- 4 Village delivery service, 1943, \$93,100;
- 5 City delivery carriers, 1943, \$14,707,000;
- 6 Special-delivery fees, 1943, \$866,000;
- 7 Railroad transportation and mail messenger service,
- 8 1943, \$2,100;
- 9 Railway Mail Service, salaries, 1943, \$4,968,000;
- 10 Rural Delivery Service, 1943, \$4,544,900;
- 11 Operating force for public buildings, Post Office Depart-
- 12 ment, 1943, \$3,503,000;
- 13 Vehicle service, 1943, \$981,000;
- 14 Total, Post Office Department, \$61,128,300.

15 DEPARTMENT OF STATE

- 16 For salaries, Department of State, 1943, \$299,400;
- 17 Passport agencies, Department of State, 1943, \$4,000;
- 18 Salaries, Foreign Service officers, 1943, \$177,000;
- 19 Salaries, Foreign Service clerks, 1943, \$316,400;
- 20 Miscellaneous salaries and allowances, Foreign Service,
- 21 1943, \$38,200;
- 22 Foreign Service, auxiliary (emergency), 1943,
- 23 \$127,600;
- 24 International Boundary Commission, United States and
- 25 Mexico, 1943, \$21,800;

1 Rio Grande canalization, Department of State, 1943,
2 \$16,200;

3 Salaries and expenses, International Joint Commission,
4 United States and Great Britain, 1943, \$1,000;

5 Total, Department of State, \$1,001,600.

6 TREASURY DEPARTMENT

7 For Salaries and expenses, foreign-owned property con-
8 trol, 1943, \$146,200;

9 Salaries, Division of Research and Statistics, Treasury
10 Department, 1943, \$13,600;

11 Salaries, Office of General Counsel, Treasury Depart-
12 ment, 1943, \$6,700;

13 Salaries, Division of Personnel, Treasury Department,
14 1943, \$18,300;

15 Salaries, office of chief clerk, Treasury Department,
16 1943, \$22,700;

17 Salaries, operating force, Treasury Department buildings,
18 1943, \$73,400;

19 Salaries and expenses, guard force, Treasury Department
20 buildings, 1943, \$71,500;

21 Salaries and expenses, Bureau of Accounts, Treasury
22 Department, 1943, \$52,300;

23 Salaries and expenses, Division of Disbursement, 1943,
24 \$232,600;

1 Salaries and expenses, Bureau of the Public Debt, 1943,
2 \$311,400;

3 Expenses of loans, Act September 24, 1917, as amended
4 and extended, 1943 (the amount that may be used is hereby
5 increased by \$913,800) ;

6 Salaries, Office of Treasurer of United States, 1943,
7 \$357,300;

8 Salaries, Office of Treasurer of United States (Federal
9 Reserve notes, reimbursable) , 1943, \$5,200;

10 Collecting the revenue from customs, 1943, \$1,336,200;

11 Salaries, Office of Comptroller of the Currency, 1943,
12 \$12,600;

13 Collecting the internal revenue, 1943. \$7,398,000;

14 Salaries and expenses, Bureau of Narcotics, 1943,
15 \$26,500;

16 Suppressing counterfeiting and other crimes, 1943,
17 \$107,000;

18 Salaries and expenses, Procurement Division, 1943,
19 \$11,100;

20 Total, Treasury Department, \$10,202,600.

21 WAR DEPARTMENT

22 CIVIL FUNCTIONS

23 For Cemeterial expenses, War Department, 1943,
24 \$56,800;

1 Soldiers' Home, permanent fund (trust fund), 1943,
2 \$44,800;

3 Sanitation, Canal Zone, Panama Canal, 1943,
4 \$146,800;

5 Civil government, Panama Canal and Canal Zone, 1943,
6 \$111,000;

7 Total, War, Department, Civil Functions, \$359,400.

8 DISTRICT OF COLUMBIA

9 For Executive office, salaries, District of Columbia, 1943,
10 \$1,540;

11 Purchasing Division, salaries, District of Columbia, 1943,
12 \$620;

13 District buildings, salaries, District of Columbia, 1943,
14 \$27,400;

15 Board of Tax Appeals, salaries, District of Columbia,
16 1943, \$440;

17 Collector, salaries, District of Columbia, 1943, \$3,680;

18 Auditor, salaries, District of Columbia, 1943, \$4,200;

19 Corporation Counsel, salaries, District of Columbia,
20 1943, \$100;

21 Alcoholic Beverage Control Board, District of Columbia,
22 1943, \$130;

23 Coroner, salaries, District of Columbia, 1943, \$1,380;

24 Chief clerk, Engineer Department, salaries, District of
25 Columbia, 1943, \$1,530;

- 1 Department of Insurance, salaries, District of Columbia,
2 1943, \$470;
- 3 Commission on Mental Health, District of Columbia,
4 1943, \$130;
- 5 Board of Indeterminate Sentence and Parole, District of
6 Columbia, 1943, \$110;
- 7 Office of Administrator of Rent Control, salaries and
8 expenses, District of Columbia, 1943, \$1,570;
- 9 Register of Wills, salaries, District of Columbia, 1943,
10 \$710;
- 11 Recorder of Deeds, salaries, District of Columbia, 1943.
12 \$8,500;
- 13 Motor vehicles, District of Columbia, 1943, \$470;
- 14 Free Public Library, salaries, District of Columbia, 1943,
15 \$22,600;
- 16 Collection and disposal of refuse, salaries, District of
17 Columbia, 1943, \$3,180;
- 18 Electrical Department, salaries, District of Columbia,
19 1943, \$7,630;
- 20 Public schools, salaries, District of Columbia, 1943,
21 \$107,700;
- 22 Metropolitan Police, salaries, District of Columbia, 1943,
23 \$10,200;
- 24 Tuberculosis Sanatoria, salaries, District of Columbia,
25 1943, \$28,700;

1 Gallinger Municipal Hospital, salaries, District of Co-
2 lumbia, 1943, \$30,800;

3 Division of Child Welfare, detention of children, Dis-
4 trict of Columbia, 1943, \$1,050;

5 Workhouse and reformatory, salaries, District of Colum-
6 bia, 1943, \$27,600;

7 Industrial Home School for Colored Children, salaries,
8 District of Columbia, 1943, \$2,600;

9 Industrial Home School, salaries, District of Columbia,
10 1943, \$3,660;

11 Municipal Lodging House, District of Columbia, 1943,
12 \$470;

13 Public parks, salaries, District of Columbia, 1943,
14 \$6,400;

15 National Zoological Park, District of Columbia, 1943,
16 \$7,690;

17 Total, District of Columbia, exclusive of highway and
18 water funds, \$313,260.

19 For trees and parking, salaries, highway fund, District
20 of Columbia, 1943, to be paid wholly out of the special fund
21 created by the act entitled "An act to provide a tax on motor-
22 vehicle fuels sold within the District of Columbia, and for
23 other purposes," approved April 23, 1924 (43 Stat. 106),
24 and the act entitled "An act to provide additional revenue for

1 the District of Columbia, and for other purposes," approved
2 August 17, 1937, \$740.

3 For general expenses, Washington Aqueduct, District of
4 Columbia, 1943, to be paid wholly out of the revenues of
5 the Water Department of the District of Columbia, \$49,800;

6 Total, District of Columbia, including highway and
7 water funds, \$363,800.

8 The foregoing sums for the District of Columbia, unless
9 otherwise specifically provided, shall be paid out of the rev-
10 enues of the District of Columbia and the Treasury of the
11 United States in the manner prescribed by the District of
12 Columbia Appropriation Act, 1943.

13 Total, section 201, \$121,899,751.

14 SEC. 202. The restrictions contained in appropriations
15 or affecting appropriations or other funds, available during
16 the fiscal year 1943, limiting the amounts which may be
17 expended for personal services or for other purposes, are
18 hereby waived to the extent necessary to meet the increases
19 in compensation authorized by the act of August 1, 1942
20 (Public Law 694), amending section 13 of the Classifica-
21 tion Act of 1923, the act of December 22, 1942 (Public
22 Law 821), authorizing the payment of overtime compensa-
23 tion to civilian employees in or under the United States
24 Government, the act of April 9, 1943 (Public Law 25),
25 authorizing additional compensation for employees in the

1 Postal Service, and by other legislation enacted during and
2 applicable to the fiscal year 1943 authorizing overtime com-
3 pensation for civilian employees of the Government: *Pro-*
4 *vided*, That the head of any department, establishment, or
5 agency is hereby authorized to allocate from the sum herein
6 appropriated under any appropriation title administered by
7 him to any subappropriation under such title such amount
8 as may be necessary for the purposes of this section.

9 TITLE III—GENERAL PROVISIONS

10 SEC. 301. No part of any appropriation contained in this
11 Act shall be used to pay the salary or wages of any person
12 who advocates, or who is a member of an organization
13 that advocates, the overthrow of the Government of the
14 United States by force or violence: *Provided*, That for the
15 purposes hereof an affidavit shall be considered prima facie
16 evidence that the person making the affidavit does not
17 advocate, and is not a member of an organization that advo-
18 cates, the overthrow of the Government of the United States
19 by force or violence: *Provided further*, That any person
20 who advocates, or who is a member of an organization that
21 advocates, the overthrow of the Government of the United
22 States by force or violence and accepts employment the
23 salary or wages for which are paid from any appropriation
24 in this Act shall be guilty of a felony and, upon conviction,
25 shall be fined not more than \$1,000 or imprisoned for not

1 more than one year, or both: *Provided further*, That the
2 above penalty clause shall be in addition to, and not in
3 substitution for, any other provisions of existing law.

4 SEC. 302. Except as otherwise provided for in this Act,
5 no part of any appropriation contained in or authorized to be
6 expended by this Act shall be used to pay the compensation
7 of any officer or employee of the Government of the United
8 States whose post of duty is in continental United States
9 unless such person (1) is a citizen of the United States, or
10 (2) is a person in the service of the United States on
11 the date of enactment of this Act who, being eligible for
12 citizenship, had filed a declaration of intention to become a
13 citizen of the United States prior to such date, or (3) is
14 a person who owes allegiance to the United States: *Provided*,
15 That for the purpose of this section, an affidavit signed by
16 any such person shall be considered prima facie evidence that
17 the requirements of this section with respect to his status have
18 been complied with. The provisions of this section shall
19 not apply to citizens of the Commonwealth of the Philippines.

20 SEC. 303. Appropriations contained herein may be used
21 to reimburse the Emergency Fund for the President for
22 advances made therefrom to meet pay-roll obligations for
23 which funds are provided in this Act.

24 SEC. 304. This Act may be cited as the "Urgent
25 Deficiency Appropriation Act, 1943".

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78TH CONGRESS
1ST Session

H. R. 2714

[Report No. 447]

A BILL

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

By Mr. CANNON of Missouri

MAY 14, 1943

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

URGENT DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1943

MAY 14, 1943.—Committed to the Committee of the Whole House on the state of
the Union and ordered to be printed

Mr. CANNON of Missouri, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany H. R. 2714]

The Committee on Appropriations submits the following report in explanation of the accompanying bill entitled "A bill making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes."

The Budget estimates, on which the bill is based, were submitted in House documents of the present session Nos. 169, 174, 175, 176, 181, 182, 183, 184, 185, 187, 188, 189, 190, 191 (in part), 193, and 194, totaling \$135,027,836.86.

The amount recommended to be appropriated by the bill is \$134,141,279.86, which sum is \$886,557 less than the total of the Budget estimates.

Of the amount recommended, the sum of \$121,899,751 is on account of the war overtime compensation and other pay increase legislation and \$12,241,528.86 is for other urgent purposes.

The most of the items in the bill comprise urgent deficiencies in appropriations for the fiscal year 1943 and a large proportion of the funds will be required to meet pay rolls for the second half of May and to cover such cases the bill should become law prior to June 1. This is particularly true of the amounts for payment of overtime war compensation and other pay increases involving many of the 270 different

appropriations affected. It should be recalled that the agencies of Government have been paying these increases from regular appropriations which were made prior to the effective date of the new laws and therefore were obliged to incur the deficiencies. The closing period of the fiscal year finds their balances so depleted by the extra burden that unless the additional funds are made available promptly pay-roll payments will be delayed.

The principal items in the bill fall into a relatively small category:

Overtime war compensation and other pay increases-----	\$121,899,751.00
War Production Board, salaries and expenses-----	4,363,000.00
Office of Price Administration-----	3,000,000.00
Public Buildings, operation and maintenance-----	2,079,800.00
Veterans' Bureau, vocational rehabilitation revolving fund-----	500,000.00
Department of Justice, marshals, district attorneys, support of prisoners, etc-----	948,336.86
Public Health Service, training of nurses-----	609,000.00
Other miscellaneous items-----	741,392.00

OVERTIME WAR COMPENSATION AND OTHER PAY INCREASES

Four different overtime compensation and other pay increase acts have been made effective in this fiscal year without the additional funds having been added to departmental appropriations. Public Law 694 became effective on August 1, 1942, and granted certain permanent increases to personnel in the crafts, protective, and custodial service and the subprofessional service. Public Law 821 became effective on December 1, 1942, and this act placed the majority of Federal employees on a 40-hour week, who were not already on that basis, with overtime pay for all work in excess of 40 hours, suspended the Saturday half holiday, resulted in extension of the work-week from 44 to 48 hours, and required a survey of personnel by the Director of the Bureau of the Budget and a reduction by him wherever his findings disclosed a surplus. This act expired on April 30, 1943, and has been continued by Public Law 49, until July 1, 1945. Public Law 25 is effective on May 1, 1943, and applies to personnel of the Postal Service formerly under Public Law 821 from December 1, 1942, to April 30, 1943. The periods of the fiscal year 1943 covered by the various laws are as follows: Public Law 694, 11 months; Public Law 821, 5 months; Public Law 25, 2 months; and Public Law 49, 2 months.

The cost of the acts for the varying periods of the fiscal year 1943 totals approximately \$401,000,000, of which \$276,000,000 will be absorbed in existing appropriations leaving \$125,000,000 to be met by deficiency appropriations. Of this latter sum more than \$3,000,000 can be met by increasing various limitations upon expenditure of corporate or other restricted appropriations and the remaining \$122,000,000 is provided in the bill. It should be noted that of the \$276,000,000 cost to be absorbed in existing appropriations, the sum of \$201,000,000 will be met from current funds of the War and Navy Departments leaving the total absorption by funds of all other governmental agencies at \$75,000,000. Of the \$122,000,000 carried by the bill, approximately \$61,000,000, or half, is on account of the Post Office Department. The committee has approved the procedure followed in financing the cost of these additional compensation laws. By waiting until the fiscal year was well along and accurate cost data

became available more reliable estimates were formulated upon which to prepare appropriation figures, and the amounts absorbed have undoubtedly resulted in a smaller net deficiency appropriation at this date than would have been required had an attempt been made to appropriate for the remainder of the fiscal year at the date when the laws became effective or shortly thereafter. 11

The provision in Public Law 821 requiring the Director of the Bureau of the Budget to effect decreases in Federal personnel wherever possible has undoubtedly had an effect in assisting to hold down the additional cost of these laws in the fiscal year 1943. The reductions made effective by April 30 total 27,726 and additional reductions after April 30 are required totaling 13,905, or a grand total of 41,631.

FOREIGN WAR RELIEF

Previous appropriations totaling \$85,000,000 have been made to the President for foreign war relief, the first having been made on June 26, 1940, in the sum of \$50,000,000, and the second on December 17, 1941, in the amount of \$35,000,000. Expenditure of the funds for relief purposes have been entrusted to the American Red Cross which furnishes all administrative expenses through its own organization. The utilization of the balance in the combined funds, totaling approximately \$31,000,000, expires on June 30 and the committee recommends its continuance during the fiscal year 1944. Tables on pages 193 and 194 show the distribution by countries and the dollar volume in each instance.

EMERGENCY FUND FOR THE PRESIDENT

Congress, commencing June 11, 1940, coincident with the inauguration of the defense program on an accelerated scale, has provided the President with emergency funds to meet the urgent and confidential situations which might arise in connection with the defense program and later in connection with the prosecution of the war. The grand total of such fund made available since June 11, 1940, is \$631,533,000. Statements of the allocations from this total amount were furnished the committee at this session and are printed in the hearings on the independent offices appropriation bill. They give the allotments to December 31, 1942. Printed in the hearings on this bill is a statement for the period commencing January 1, 1943, and ending April 30, 1943. In these 4 months there has been allotted a total of \$12,664,368.06, of which \$11,000,000 was allocated for confidential purposes leaving \$1,664,368.06 for all other purposes in the 4-month period. The free balance in the fund on April 30 last totaled \$89,322,166.23.

The committee recommends the continuance during the fiscal year 1944 of the available balance. In the early periods of the defense program and the war there was need for a larger fund than is now necessary. With the progress of the war and more definite programming fewer emergencies and confidential matters arise that cannot be financed through appropriations sought in the regular channels. However, this Nation is still engaged in a terrific struggle and our activities through our armed forces and our civilian personnel are spread to all parts of the world accessible to us. The President of the

United States is Commander in Chief of the armed forces as well as the Chief Executive of the Nation. Congress has not failed in war period in the past to place in the hands of the President an emergency fund subject to his discretion. The funds at the discretion of President McKinley in the Spanish-American War and those at the disposal of President Wilson in World War I were larger in proportion to the total outlay for those wars than the funds available to President Roosevelt in proportion to the total outlay for this war.

The amount of the balance that may be used for confidential purposes is increased by \$25,000,000. The balance in the confidential allocation is \$3,237,000 which will make \$28,237,000 of the \$89,000,000 available for confidential purposes.

It is the expectation and hope of the Director of the Bureau of the Budget and of the committee that the \$89,000,000 will be sufficient to meet all unforeseen and emergent situations that may arise prior to July 1, 1944. However, we are approaching extensive and difficult phases of the war effort. New and unforeseen emergencies will continue to arise and the President must be in position to meet them.

DEFENSE AID

Provision is included in the bill permitting a transfer of funds from the consolidated appropriation for "Necessary services and expenses" to the consolidated appropriation for "Administrative expenses." The lend-lease budget now pending before the committee makes provision for administrative expenses for the Office of Lend-Lease Administration and the agencies associated with that office in carrying out lend-lease operations (other than the War and Navy Departments) on a 14 months' basis commencing May 1, 1943. Present administrative funds will be sufficient to meet May 15 pay rolls but not those for the end of May. This provision is inserted to enable these pay rolls to be met by transfer from other available lend-lease funds with the stipulation that when the new administrative funds are available are available reimbursement will be made to the appropriation from which the transfer is made.

WAR PRODUCTION BOARD

The sum of \$4,363,000 is recommended for salaries and expenses of the War Production Board, a decrease in the Budget estimate of \$664,000. Total funds available to the Board for the current fiscal year have amounted to \$76,428,300. The deficiency amount requested, \$5,027,000, included the sum of \$3,247,000 for salaries and other operating expenses and \$1,780,000 for the prosecution of research projects for the development of substitutes for scarce materials, recovery of waste materials, improvement of industrial processes, new sources of supply, and so forth.

The deficiency in operating expenses of \$3,247,000 has been reduced to \$3,213,000 by the reduction of \$134,000 in the printing and binding allocation. The original budget for the Board contemplated a total personnel for the fiscal year 1943 of 24,600 to be recruited during the year in such manner that the appropriation was based on \$10,000,000 less than would have been required if all were on for the full year. The force was recruited more rapidly than was anticipated with a view to expediting the war program and reached a peak of

22,487. Pursuant to the order of the Director of the Budget under Public Law 821, a decrease to 21,847 was made to April 30 and a further decrease of 1,000 is to be accomplished by June 30 leaving a total personnel of 20,847. Nine activities were undertaken by the Board in the interest of the war effort which were not contemplated when the appropriations originally were granted, including the Office of the Rubber Director. The total personnel for these new efforts is 834. Salary requirements in fiscal 1943 for the additional activities are approximately double the amount of deficiency of \$802,000, the difference being absorbed by savings resulting from personnel decreases. Added expenses on account of the new activities have caused increased costs for printing, communications, and travel. The travel deficiency is largely accounted for by the employment of 440 additional \$1 a year personnel whose per diem and transportation was not contemplated in the original budget. Provision for the financing of the War Overtime Compensation Act is also carried in the bill in the amount of \$5,403,000. These additional funds will be required to enable the Board to meet its pay-roll obligations at the end of May.

In making the reduction of \$530,000 in the estimate for research projects the committee has taken into consideration the fact that the fund will be available for obligation for approximately 1 month and while the list of projects desired to be placed under contract is in excess of the total requested the amount allowed will permit a careful selection. Further consideration of research funds will occur in the 1944 Budget.

OFFICE OF PRICE ADMINISTRATION

The Budget estimate of \$3,000,000 for printing and binding for the fiscal year 1943 is approved. This sum is granted at this time to permit the placing of orders for the printing in time for use in the next fiscal year of 140,000,000 copies of War Ration Book No. 4 to cost \$1,400,000; reordering of forms, coupon books, and other printed matter for gasoline rationing, \$1,342,397; and \$275,416 for printing for fuel-oil rationing for the coming heating season. Prompt placement of the orders for these printing supplies is necessary if they are to be available for use when required.

HOWARD UNIVERSITY

A Budget estimate of \$229,500 for conversion of the present power plant from use of fuel oil to coal is approved. The committee has changed the language of the Budget estimate so as to permit partial conversion to coal or to permit installation of an additional boiler for use of coal without disturbing the present oil-burning equipment. The conversion has been ordered by the Office of Price Administration. The plant burns approximately 40,000 barrels of oil a year. It serves both Howard University and Freedmen's Hospital. The conversion will require 6 to 8 months and if undertaken when these funds are available can be accomplished in time. The committee has taken up with the War Production Board the matter of a new boiler for use of coal. It hopes that priorities may be granted for it with retention of the oil-burning equipment for stand-by purposes. Such an arrangement would make a considerable saving in cost. However, due to acute shortness of time for conversion or adoption

of some change which will relieve the oil consumption the item in the alternate form has been included. The committee is advised that the conversion of the present two oil-burning boilers to use of coal would effect a saving of approximately \$25,000 a year based on present fuel costs.

OFFICE OF FISHERY COORDINATION

The committee has rejected a Budget estimate of \$20,000 for salaries and expenses of the Office of Fishery Coordination. This amount was requested for 1 month's operation in this fiscal year. The elimination is without prejudice to the merits of the project. A Budget estimate for the coming fiscal year will be presented in connection with the regular Department of the Interior appropriation bill for the fiscal year 1944 and the delay to that bill is not serious.

LIMITATIONS AND LEGISLATIVE PROVISIONS

The following limitations and legislative provisions not heretofore recommended in connection with any appropriation bill are included:

On page 3:

In carrying out the Act of March 11, 1941 (Public Law 11), as amended, transfers are authorized to be made from the consolidated appropriation for "Necessary Services and Expenses" to the consolidated appropriation for "Administrative Expenses" and the amounts so transferred shall be reimbursed by transfer from the appropriation first made hereafter for "Administrative Expenses" for carrying out such Act as amended.

On page 9:

Appropriations of the Treasury Department for the fiscal years 1943 and 1944 shall be available, in accordance with the Standardized Government Travel Regulations, the Subsistence Expense Act of 1926, as amended (5 U. S. C., ch. 16), and the Act of February 14, 1931, as amended (5 U. S. C. 73a), for the payment of travel expenses to and from their homes or regular places of business and per diem in lieu of subsistence at place of employment of persons employed intermittently away from their homes or regular places of business by the Treasury Department as consultants and receiving compensation on a per diem when actually employed basis.

On page 34, in connection with appropriations for war overtime compensation and other pay increases:

SEC. 202. The restrictions contained in appropriations or affecting appropriations or other funds, available during the fiscal year 1943, limiting the amounts which may be expended for personal services or for other purposes, are hereby waived to the extent necessary to meet the increases in compensation authorized by the act of August 1, 1942 (Public Law 694), amending section 13 of the Classification Act of 1923, the act of December 22, 1942 (Public Law 821), authorizing the payment of overtime compensation to civilian employees in or under the United States Government, the act of April 9, 1943 (Public Law 25), authorizing additional compensation for employees in the Postal Service, and by other legislation enacted during and applicable to the fiscal year 1943 authorizing overtime compensation for civilian employees of the Government: Provided, That the head of any department, establishment, or agency is hereby authorized to allocate from the sum herein appropriated under any appropriation title administered by him to any subappropriation under such title such amount as may be necessary for the purposes of this section.

On page 36:

Appropriations contained herein may be used to reimburse the emergency fund for the President for advances made therefrom to meet payroll obligations for which funds are provided in this Act.

URGENT DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1943

Comparative statement of the amounts requested in the Budget estimates, the amounts recommended in the accompanying bill, and the increase or decrease in the Budget estimate compared with the amounts recommended in the bill

[The year noted after each item indicates the fiscal year]

House Doc. No.	Department or agency	Amounts of Budget estimates, fiscal year 1943 and prior years	Amounts recommend- ed in bill fiscal year 1943 and prior years	Increase (+) or de- crease (-), bill com- pared with Budget estimates
TITLE I—GENERAL APPROPRIATIONS				
LEGISLATIVE				
HOUSE OF REPRESENTATIVES				
	Payment of pages, 1944-----	-----	\$34, 592. 00	+ \$34, 592. 00
	Stationery for Representatives, Delegates, and Resident Commis- sioner, fiscal years 1943 and 1944-----	-----	131, 400. 00	+ 131, 400. 00
	Total, House of Representatives-----	-----	165, 992. 00	+ 165, 992. 00
EXECUTIVE OFFICE OF THE PRESIDENT				
188	Foreign war relief, 1944-----	-----	Reappropriation	-----
189	Emergency fund for the President, 1944-----	-----	Reappropriation	-----
174	Office for Emergency Management—War Production Board, 1943-----	\$5, 027, 000. 00	4, 363, 000. 00	— 664, 000. 00
169	Office of Price Administration, 1943-----	3, 000, 000. 00	3, 000, 000. 00	-----
	Total, Executive Office of the President-----	8, 027, 000. 00	7, 363, 000. 00	— 664, 000. 00

Comparative statement of the amounts requested in the Budget estimates, the amounts recommended in the accompanying bill, and the increase or decrease in the Budget estimate compared with the amounts recommended in the bill—Con.

[The year noted after each item indicates the fiscal year]

House Doc. No.	Department or agency	Amounts of Budget estimates, fiscal year 1943 and prior years	Amounts recommend- ed in bill, fiscal year 1943 and prior years	Increase (+), or de- crease (-), bill com- pared with Budget estimates
TITLE I—GENERAL APPROPRIATIONS—Continued				
INDEPENDENT EXECUTIVE AGENCIES				
FEDERAL SECURITY AGENCY				
191	Public Health Service:			
	Miscellaneous and contingent expenses, 1943-----	\$31, 000. 00	\$31, 000. 00	-----
	Training for nurses, 1943-----	609, 000. 00	609, 000. 00	-----
191	Freedmen's Hospital, maintenance, 1943-----	55, 000. 00	55, 000. 00	-----
175	Howard University, conversion of power plant from oil to coal fuel, 1943 and 1944-----	229, 500. 00	229, 500. 00	-----
	Total, Federal Security Agency-----	924, 500. 00	924, 500. 00	-----
FEDERAL WORKS AGENCY				
185	Public Buildings Administration:			
	Buildings in the District of Columbia, operation and mainte- nance, 1943-----	1, 203, 800. 00	1, 203, 800. 00	-----

	Buildings outside the District of Columbia, operation and maintenance, 1943-----	876,000.00	876,000.00 ¹	-----
	Total, Federal Works Agency-----	2,079,800.00	2,079,800.00	-----
	VETERANS' ADMINISTRATION			-----
176	Vocational rehabilitation revolving fund, 10-year-----	500,000.00	500,000.00	-----
	Total, independent executive agencies-----	3,504,300.00	3,504,300.00	-----
	DEPARTMENT OF AGRICULTURE			-----
	BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE			-----
194	Gipsy and brown-tail moth control, 1943-----	137,400.00	137,400.00	-----
	DEPARTMENT OF THE INTERIOR			-----
183	Office of Fishery Coordination, 1943-----	20,000.00	-----	-\$20,000.00
	BUREAU OF RECLAMATION			-----
183	Vale project, Oregon, operation and maintenance, 1943-----	4,000.00	4,000.00	-----
183	Kendruck project, Wyoming, 1943-----	(¹)	(¹)	-----
183	Boulder Canyon project, 1943-----	(²)	(³)	-----
	GOVERNMENT IN THE TERRITORIES			-----
183	Government of Virgin Islands, salaries and expenses, 1943-----	7,000.00	-----	-7,000.00
183	Agricultural experiment station and vocational school, Virgin Islands, salaries and expenses, 1943-----	2,100.00	-----	-2,100.00

¹ Increase from \$100,000 to \$110,000 of amount that may be expended from power revenues.² Increase from \$750,000 to \$1,170,000 of amount that may be expended from revenues.³ Increase from \$750,000 to \$950,000 of amount that may be expended from revenues.

Comparative statement of the amounts requested in the Budget estimates, the amounts recommended in the accompanying bill, and the increase or decrease in the Budget estimate compared with the amounts recommended in the bill—Con.

[The year noted after each item indicates the fiscal year]

House Doc. No.	Department or agency	Amounts of Budget estimates, fiscal year 1943 and prior years	Amounts recommend- ed in bill, fiscal year 1943 and prior years	Increase (+) or de- crease (-), bill com- pared with Budget estimates
TITLE 1—GENERAL APPROPRIATIONS—Continued				
DEPARTMENT OF THE INTERIOR—continued				
GOVERNMENT IN THE TERRITORIES—continued				
183	Defraying deficits in treasuries of municipal governments, Virgin Is- lands, 1943-----	\$45,000.00	\$45,000.00	-----
183	Puerto Rican hurricane relief, 1943-----	(¹)	-----	-----
	Total, Government in the Territories-----	54,100.00	45,000.00	-\$9,100.00
	Total, Department of the Interior-----	78,100.00	49,000.00	-29,100.00
DEPARTMENT OF JUSTICE				
OFFICE OF ATTORNEY GENERAL				
193	Fees and expenses of conciliation commissioners, United States courts, 1937-----	335.98	335.98	-----
193	Probation system, United States courts, 1939-----	.88	.88	-----
193	Traveling expenses, 1943-----	70,000.00	70,000.00	-----

MISCELLANEOUS				
193	Lands Division, salaries and expenses, 1943-----	280,000.00	280,000.00	-----
193	District attorneys, salaries, etc., 1943-----	205,000.00	205,000.00	-----
193	Marshals, salaries and expenses, 1943-----	375,000.00	\$ 233,000.00	— 142,000.00
193	Bailiffs, salaries and expenses, 1943-----	10,000.00	10,000.00	-----
PENAL AND CORRECTIONAL INSTITUTIONS				
193	United States prisoners, support of, 1943-----	150,000.00	150,000.00	-----
	Total, Department of Justice-----	1,090,336.86	948,336.86	— 142,000.00
DEPARTMENT OF STATE				
187	Printing and binding, 1943-----	20,000.00	20,000.00	-----
TREASURY DEPARTMENT				
SECRETARY'S OFFICE				
182	Adjusted Compensation Payment Act, administrative expenses, 1943-----	3,500.00	3,500.00	-----
BUREAU OF ACCOUNTS				
181	Refund of moneys erroneously received and covered, 1943-----	50,000.00	50,000.00	-----
	Total, Treasury Department-----	53,500.00	53,500.00	-----
	Total, Title I-----	12,910,636.86	12,241,528.86	— 669,108.00

⁴ Increase from \$19,950 to \$22,350 in amount of previous balances that may be used for administrative expenses.

⁵ \$142,000 transferred to Department of Justice, Title II, Overtime Pay.

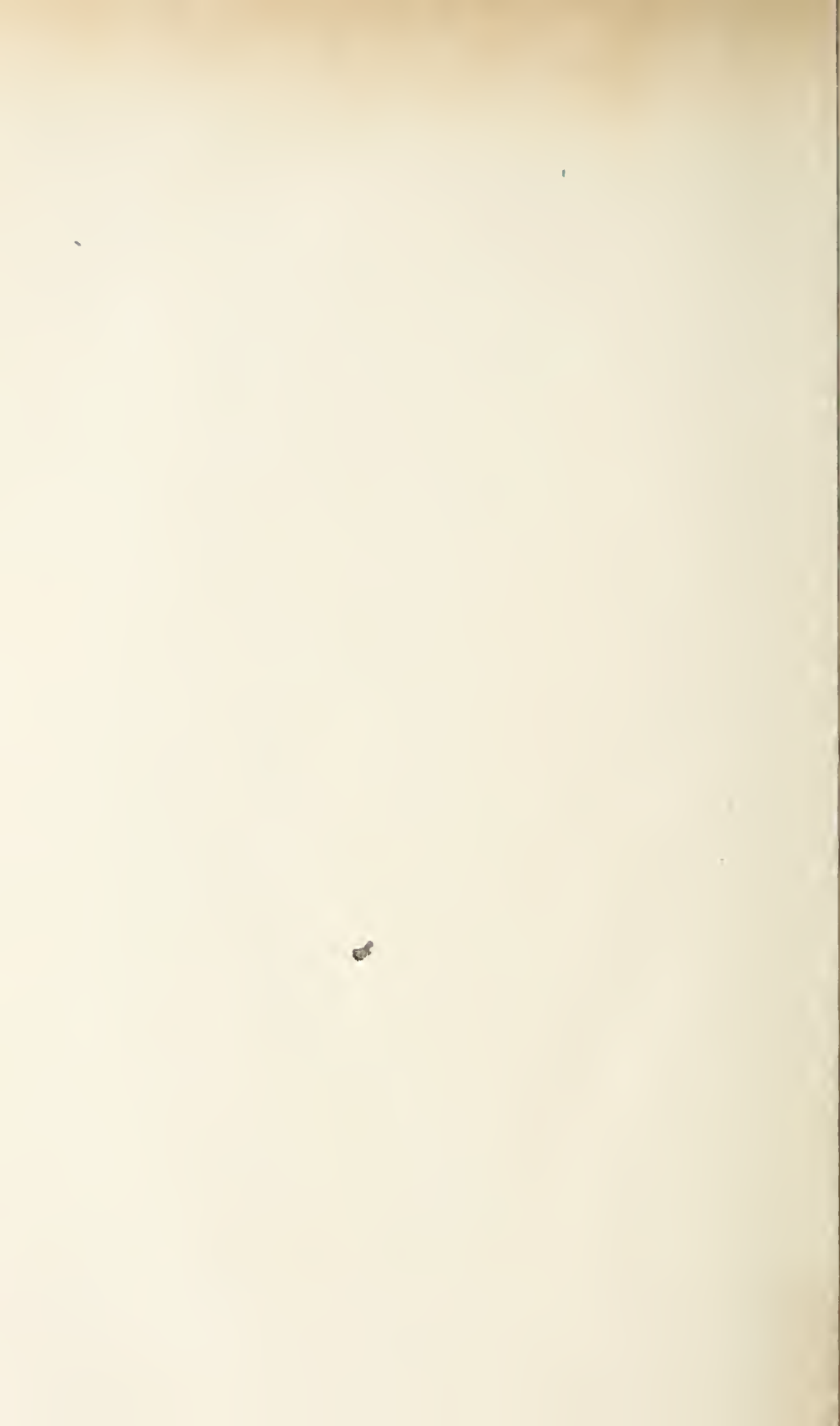
Comparative statement of the amounts requested in the Budget estimates, the amounts recommended in the accompanying bill, and the increase or decrease in the Budget estimate compared with the amounts recommended in the bill—Con.

[The year noted after each item indicates the fiscal year]

House Doc. No.	Department or agency	Amounts of Budget estimates, fiscal year 1943 and prior years	Amounts recommend- ed in bill, fiscal year 1943 and prior years	Increase (+) or de- crease (-), bill com- pared with Budget estimates
	TITLE II—WAR OVERTIME PAY AND OTHER COMPENSATION INCREASES			
184	Legislative Branch, 1943-----	\$515, 741. 00	\$515, 742. 00	+ \$1. 00
184	The Judiciary, 1943-----	164, 839. 00	175, 289. 00	+ 10, 450. 00
184	Executive Office of the President, 1943-----	20, 200, 400. 00	20, 200, 400. 00	-----
184	Independent Executive Agencies, 1943-----	15, 234, 500. 00	\$15, 234, 500. 00	-----
184	Department of Agriculture, 1943-----	4, 588, 600. 00	4, 588, 600. 00	-----
184	Department of Commerce, 1943-----	1, 810, 700. 00	1, 810, 700. 00	-----
184	Department of the Interior, 1943-----	650, 820. 00	650, 820. 00	-----
184	Department of Justice, 1943-----	5, 542, 500. 00	5, 314, 600. 00	- 227, 900. 00
184	Department of Labor, 1943-----	353, 400. 00	353, 400. 00	-----
184	Post Office Department, 1943-----	61, 128, 300. 00	61, 128, 300. 00	-----
184	Department of State, 1943-----	1, 001, 600. 00	1, 001, 600. 00	-----
184	Treasury Department, 1943-----	10, 202, 600. 00	10, 202, 600. 00	-----

184	War Department—Civil functions, 1943-----	359, 400. 00	359, 400. 00	-----
184	District of Columbia, 1943-----	363, 800. 00	363, 800. 00	-----
	Total, Title II-----	122, 117, 200. 00	121, 899, 751. 00	— 217, 449. 00
	Grand total, Titles I and II-----	135, 027, 836. 86	134, 141, 279. 86	— 886, 557. 00

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already exists. Will the distinguished gentleman from Texas, the chairman of the Committee on Rivers and Harbors, assure me that this will in no way change the status quo of the cross-Florida canal?

Mr. MANSFIELD of Texas. The bill has no bearing whatever on the Florida Canal except that it happens to be in the same law that is amended.

Mr. KEAN. It will authorize the appropriation of \$93,000,000 that we authorized last year.

Mr. MANSFIELD of Texas. That has already been authorized.

Mr. KEAN. But this bill reauthorizes it. When I first looked at the bill I thought it was one for the authorization of \$93,000,000. Section 1 reads:

There is hereby authorized to be appropriated the sum of \$93,112,000 to carry out the provisions of the act.

Then I found that it only added \$112,000.

Mr. MANSFIELD of Texas. Yes.

Mr. KEAN. It does not in any way change the present status of the cross-Florida canal.

Mr. MANSFIELD of Texas. It does not change the status of that canal. That canal, of course, has already been authorized. This happens, however, to be in the same bill pertaining to the intercoastal canal.

The bill was put through in this manner for the following reason: The engineers already have some money, \$6,700,000, or something like that, which was turned over to them last year simply to enlarge the intercoastal canal. By adopting this as a section of that same canal the engineers say they can use this money at once and commence this week to do the work. That is the only reason for this.

Mr. KEAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to promote the national defense and to promptly facilitate and protect the transport of materials and supplies needful to the Military Establishment by authorizing the construction and operation of a pipe line and a navigable barge channel across Florida, and by deepening and enlarging the Intra-coastal Waterway from its present eastern terminus to the vicinity of the Mexican border," approved July 23, 1942, is amended by striking out section 2 thereof and adding at the end thereof the following:

"SEC. 2. The Gulf County Canal and its right-of-way which connects the channel extending from the Apalachicola River to St. Andrews Bay, Fla., with St. Josephs Bay, Fla., shall be acquired by the United States from the Board of County Commissioners of Gulf County, Fla., at a cost not to exceed the sum of \$200,000.

"SEC. 3. Upon the acquisition of such canal and its right-of-way, the United States shall maintain it and shall prosecute as speedily as may be consistent with budgetary requirements, under the direction of the Secretary of War and supervision of the Chief of Engineers, the improvements recommended by the Board of Engineers for Rivers and Harbors in the report submitted in House Document No. 257, Seventy-sixth Congress.

"SEC. 4. There is hereby authorized to be appropriated the sum of \$93,000,000 to carry out the provisions of this act."

SEC. 2. The balance of any sums appropriated prior to the enactment of this act for purposes of carrying out the provisions of section 1 of such act approved July 23, 1942, which are not needed for such purposes, shall be available for expenditure for the purpose of carrying out the provisions of sections 2 and 3 of such act, as amended by this act.

With the following committee amendments:

Page 4, in lines 4 to 9, inclusive, strike out "shall be acquired by the United States from the Board of County Commissioners of Gulf County, Fla., at a cost not to exceed the sum of \$200,000."

"SEC. 3. Upon the acquisition of such canal and its right-of-way, the United States shall maintain it and shall prosecute" and insert in lieu thereof "is hereby adopted as a Federal project and authorized to be prosecuted."

Page 2, in lines 11 to 13, inclusive, strike out "the improvements recommended by the Board of Engineers for Rivers and Harbors" and insert in lieu thereof "in accordance with the plans and subject to the conditions recommended."

Page 2, line 14, after the word "Congress", insert "Provided, That, with the consent of the Board of County Commissioners of Gulf County, Fla., and pending fulfillment of the condition specified in said document that the existing canal and its right-of-way be conveyed to the United States free of cost, the said canal may be dredged to provide at an estimated cost of \$112,000, the dimensions of 9 feet deep and 100 feet wide, as recommended in said document."

Page 2, line 15, change "SEC. 4" to "SEC. 3." Page 2, line 16, strike out "\$93,000,000" and insert in lieu thereof "\$93,112,000."

Page 2, line 23, strike out the word "sections" and insert in lieu thereof the word "section" and following the numeral "2" strike out "and 3."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REORGANIZATION OF THE MARINE CORPS

The Clerk called the next bill, H. R. 2583, to provide for the reorganization of the Marine Corps and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the following changes are hereby made in the organization of the Marine Corps:

(a) The Adjutant and Inspector's Department and the Office of the Adjutant and Inspector are hereby abolished.

(b) The administration and functions of the Adjutant and Inspector's Department are hereby transferred to the cognizance of a Director of Personnel, Marine Corps.

(c) The Director of Personnel, Marine Corps, shall be a line officer on active duty in the Marine Corps, detailed by the Commandant of the Marine Corps.

(d) In effectuating the transfer of administration and functions herein provided, the Commandant of the Marine Corps is authorized to make such distribution, changes, and reorganization in the functions and duties of the departments and offices of the Marine Corps as he deems necessary for the more efficient administration of the Marine Corps.

SEC. 2. The unexpended balances of appropriations, allocations, or other funds available for use in connection with the

exercise of any function herein transferred to the Director of Personnel, Marine Corps, are hereby transferred to the office of such Director for use in connection with the exercise of the functions so transferred.

SEC. 3. All laws or parts of laws so far as they are inconsistent with or in conflict with the provisions of this act are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ABOLISHING CERTAIN NAVAL TRUST FUNDS

The Clerk called the next bill, H. R. 2584, to abolish certain naval trust funds and deposits thereto, and to simplify naval accounting procedure, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That effective July 1, 1943, (a) the trust fund, naval hospital fund (48 Stat. 1235 (80) (7s815); 31 U. S. C. 725s (a) (80)), is abolished, and any unobligated balance remaining therein as of that date shall be covered into the surplus fund of the Treasury; (b) moneys theretofore required by law to be paid into such fund from annual appropriations shall remain to the credit of the appropriation concerned; and (c) commencing with the fiscal year 1944, annual appropriations in such amounts as may be necessary are authorized from the general fund of the Treasury for the maintenance, operation, and improvement of naval hospitals.

SEC. 2. Effective July 1, 1943, (a) the trust fund, Navy fines and forfeitures (48 Stat. 1235 (81) (7s984); 31 U. S. C. 725s (a) (81)), is abolished, and any unobligated balance remaining therein as of that date shall be covered into the surplus fund of the Treasury; (b) moneys theretofore required by law to be paid into such fund from annual appropriations, and all pay forfeited by law or by the terms of a court-martial sentence, shall remain to the credit of the appropriation concerned; and (c) commencing with the fiscal year 1944, annual appropriations for "Pay, subsistence, and transportation, Navy," or "Pay, Marine Corps," as may be appropriate, shall be available for payment of (a) necessary personal allowances of prisoners during confinement, and (b) transportation, gratuity, and civilian clothing of discharged naval prisoners: *Provided*, That savings deposits forfeited by desertion shall be deposited into the Treasury of the United States as miscellaneous receipts.

SEC. 3. Commencing June 30, 1944, there shall be deducted from the pay of each person in the naval service on the last day of each fiscal year the sum of \$2.40 to be deposited into the Treasury of the United States as miscellaneous receipts.

SEC. 4. (a) Sections 4808, 4809, and 1614 of the Revised Statutes; and (b) so much of the act approved June 7, 1900 (24 U. S. C. 5), as requires that all forfeitures on account of desertion shall be passed to the credit of the naval hospital fund, are hereby repealed: *Provided*, That pensions of inmates of a naval home or naval hospital, heretofore required by law to be deducted from the account of the pensioner and applied for the benefit of the fund from which such home or hospital is maintained, shall be deposited into the Treasury of the United States as miscellaneous receipts: *Provided further*, That this section shall be effective July 1, 1943; *And provided further*, That all moneys accruing to the trust funds naval hospital fund (7s815) or navy fines and forfeitures (7s984) prior to that date but not credited thereto

prior to that date shall be covered into the surplus fund of the Treasury.

With the following committee amendments:

Page 2, line 20, strike out all of section 3.

Page 2, line 25, strike out "4" and insert in lieu thereof "3."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO SECTIONS 2 AND 4 OF ACT AUTHORIZING APPOINTMENT OF COMMISSIONED WARRANT AND WARRANT OFFICERS

The Clerk called the next bill, H. R. 2587, to amend sections 2 and 4 of the act approved June 27, 1942, entitled "An act to authorize the appointment of commissioned warrant and warrant officers to commissioned rank in the line and Staff Corps of the Navy, Marine Corps, and Coast Guard, and for other purposes."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to authorize the appointment of commissioned warrant and warrant officers to commissioned rank in the line and Staff Corps of the Navy, Marine Corps, and Coast Guard, and for other purposes," approved June 27, 1942 (56 Stat. 621), is hereby amended by adding thereto the following: "Provided further, That with respect to those officers who, because of service conditions, (a) are unable to apply for appointment or examination prior to June 27, 1943, or (b) who make such application but are not examined prior to said date, the foregoing limitation shall not apply until June 30 of the fiscal year following that in which the present war shall terminate."

SEC. 2. That section 4 of said act of June 27, 1942, is hereby amended by adding the following proviso: "Provided, That any officer described in the second proviso of section 2 of this act shall, upon appointment, take rank with other officers in the order of seniority that would have been assigned had he been appointed prior to June 27, 1943."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPEALING SECTION 3 OF STANDARD TIME ACT RELATING TO TIME ZONE IN PORTION OF IDAHO

The Clerk called the next bill, H. R. 1997, to repeal section 3 of the Standard Time Act of March 19, 1918, as amended, relating to the placing of a certain portion of the State of Idaho in the third time zone.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to save daylight and to provide standard time for the United States," approved March 19, 1918, as amended (U. S. C., 1940 ed., title 15, sec. 264), which provides for placing a certain portion of the State of Idaho in the third time zone, is hereby repealed.

SEC. 2. This act shall take effect at 2 a. m. of the second Monday following the date of its enactment.

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. PRIEST. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

Mr. RAMSPECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 78]

Andresen,	Green	Norton
August H.	Guyer	O'Leary
Anderson, Calif.	Harris, Va.	O'Toole
Auchincloss	Hart	Pracht
Baldwin, N. Y.	Herter	Rolph
Barden	Hinslaw	Sabath
Barry	Holmes, Mass.	Southoff
Boykin	Izzy	Scanlon
Bradley, Pa.	Jenkins	Scott
Buckley	Jennings	Sheridan
Case	Jensen	Slaughter
Clark	Johnson.	Smith, Maine
Cochran	Calvin D.	Smith, Va.
Costello	Judd	Stanley
Culkin	Kelley	Thomas, N. J.
Cullen	Kennedy	Tolan
Curley	Keogh	Treadway
Dies	Lane	Vinson, Ga.
Dingell	Lea	Voorhis, Calif.
Drewry	Luce	Walter
Elliott	McGranery	Weichel, Ohio
Fogarty	Magnuson	Welch
Gale	Morrow	Wene
Gallagher	Miller, Conn.	White
Gerlach	Miller, Mo.	Wolfenden, Pa.
Gibson	Monkiewicz	Wolverton, N. J.
Gore	Mruk	Woodruff, Mich.
Granger	Myers	Worley

The SPEAKER. On this roll call 352 Members have answered to their names, a quorum.

Further proceedings, under the roll call, were dispensed with.

EXTENSION OF REMARKS

Mr. HARLESS of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the Record and to include therein a letter I received recently from the Governor of my State regarding the motive behind the enlistment of our womanhood in the WAVES.

The SPEAKER. Is there objection?
There was no objection.

[The matter referred to appears in the Appendix.]

Mr. D'ALESSANDRO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an article from the Baltimore Evening Sun.

The SPEAKER. Is there objection?
There was no objection.

[The matter referred to appears in the Appendix.]

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include therein an article I wrote for the Christian Advocate.

The SPEAKER. Is there objection?
There was no objection.

[The matter referred to appears in the Appendix.]

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my re-

marks in the Record and include a report released by the Tennessee Valley Authority on May 16, concerning the achievements of the T. V. A. during the 10 years of its activities.

The SPEAKER. Is there objection?
There was no objection.

[The matter referred to appears in the Appendix.]

URGENT DEFICIENCY APPROPRIATIONS, 1943

Mr. CANNON of Missouri. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 2714) making appropriations to supply urgent deficiency appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes. Pending that motion, Mr. Speaker, with the acquiescence of the gentleman from New York [Mr. TABER], I ask unanimous consent that, in addition to the time already provided, 1 hour on each side be allotted for general debate when the Kerr amendment is offered, at the close of which a vote shall be taken.

Mr. TABER. And that 1 hour to be under the control of the chairman and ranking member of the committee.

Mr. CANNON of Missouri. To be controlled as provided for the general debate.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, may I also call the attention of the House to the fact that we find ourselves in the unusual situation of having three major supply bills waiting action by the House at this time: The urgent deficiency bill, which is pending, the naval supply bill for 1944, and the Interior Department appropriation bill for 1944, all of which have been reported to the House and are awaiting disposition this week.

The appropriations provided in those three bills aggregate approximately \$30,000,000,000.

In that connection it should also be noted that up to date none of the general supply bills have been enacted into law, it behooves both this body and a coordinate body to give a little thought to prompt action of all appropriation bills and conference reports.

The status of the supply bills as of May 17 is as follows:

STATUS OF APPROPRIATION BILLS, SEVENTY-EIGHTH CONGRESS, FIRST SESSION

Laws:
First deficiency, fiscal year 1943.
Naval supplemental, fiscal year 1943.
Farm labor supply, runs to December 31, 1943.

Urgent deficiencies, fiscal year 1943 (H. J. Res. 82 and 115).

Pending in House:
Urgent deficiency, fiscal year 1943.
Naval, fiscal year 1944.

Interior, fiscal year 1944.
Pending in House committee:

Lend-lease appropriations, fiscal years 1943 and 1944.

Labor and Federal Security Agency, fiscal year 1944.

Military appropriations, fiscal year 1944.

National war agencies, fiscal year 1944.

NOTE.—None of these bills can be reported to the House before June except, possibly, lend-lease.

Pending in Senate: Legislative, fiscal year 1944 (passed House April 8).

Pending in Senate committee:

Agriculture, fiscal year 1944 (passed House April 20).

District of Columbia, fiscal year 1944 (passed House April 20).

Independent offices, fiscal year 1944 (passed House February 17).

State, Justice, and Commerce, fiscal year 1944 (passed House April 7).

Passed both Houses:

Treasury and Post Office, fiscal year 1944 (pending amendments in dispute).

War civil functions, fiscal year 1944 (not sent to conference).

We reported out the Interior bill this morning. The Labor and Federal Security bill and the military appropriations bill remain to be reported by the committee to the House. In addition we expect soon to report the National War Agency bill for 1944 and the Navy bill for 1943 and 1944, in all, four major bills still pending in the House committee.

If the House expects to get away by the 4th of July, as has been intimated, we would like to have the cooperation of both the committee and the House in the prompt consideration and disposition of these remaining bills.

The SPEAKER. As far as the leadership of the House is concerned, the gentleman will have its cooperation.

Mr. CANNON of Missouri. We have always had that cooperation, Mr. Speaker.

Mr. WOODRUM of Virginia. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to my colleague from Virginia.

Mr. WOODRUM of Virginia. Mr. Speaker, in further explanation of the statement the gentleman is making, several times we have found ourselves on Friday and on Monday with somewhere around 300 Members of the House in Washington. We cannot lose the week-ends every week and expect to get this legislation passed and be ready for a recess by July 4. I am impressed with what the gentleman says in his request that all Members stay on the job. I think it is necessary for the interests of our physical welfare as well as the mental ease of the country for us to take a recess.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from New York.

Mr. TABER. The subcommittees of the Committee on Appropriations have been holding hearings for longer hours than they have ever worked all the way through. There has been no lying down on the job on their part. The House has given more consideration to every bill that has come along than has been its practice. There is in the House, as we all realize, a disposition to try to save a little bit of a part of the Treasury, and that takes a little longer than it would otherwise. We have a very big job to do if we are ever going to get through. Frankly, I do not see how, the way things are going now, we are going to be through by the 1st of July. It can only be done by the other body

stepping up its pace and everybody here putting their shoulders to the wheel.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I think the observation made by the gentleman from Virginia [Mr. WOODRUM] is a very good one. The probabilities are that there will be a hesitancy to adjourn over Saturday. In the past there was complete justification for that. The leadership naturally recognizes that the Members work very hard. The situation on the floor is very intense. Before coming here we have our office work to do and after we get through here there is more office work to do.

On Saturdays the Members work very hard in their offices. We all have to look after the demands of our districts. That is only natural. We are living in a democracy, thanks be to God, and we have to look after the requests and the demands of the people of our districts. They have the constitutional right of petition, and many of them exercise that right through us. Therefore, as it applies to the situation from now on, I think there is a great deal to what the gentleman from Virginia has said. While we have adjourned over Friday pretty often in the past, a lot of that consideration has been extended to individual members of the Committee on Appropriations.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to insert in the RECORD, in addition to the list of appropriation bills just filed, a schedule of our hearings on the remainder of the national war agencies, giving an idea of just what progress will have to be made in the committee in order to get that bill out by the 15th of June, which is practically the last date we can hope to report it if we expect to enact it by the 1st of July.

The schedule is as follows:

HEARING SCHEDULE FOR REMAINDER OF NATIONAL WAR AGENCIES

Tuesday, May 18: Office of War Information.

Wednesday, May 19: Office of War Information.

Thursday, May 20: Petroleum Coordinator for War, Office of Scientific Research and Development.

Friday, May 21: Board of Economic Warfare.

Saturday, May 22: War Relocation Authority, National War Labor Board.

Monday, May 24: War Production Board.

Tuesday, May 25: War Production Board.

Wednesday, May 26: Office of Price Administration.

Thursday, May 27: Office of Price Administration.

Friday, May 28: Office of Economic Stabilization, Office of Strategic Services.

Saturday, May 29: Central Administrative Services, liaison office.

This schedule makes no allowance for time lost in marking up the lend-lease appropriation, getting through the conference report on the urgent deficiency, full committee meetings, roll calls, and other House votes and business or time otherwise lost from the schedule in the coming 2 weeks. Even if we are able to follow the schedule as drawn it will hardly be possible to report the national war agencies bill earlier than June 15.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Kentucky.

Mr. MAY. I got the impression from what has been said here by the several gentlemen who have mentioned the subject that in all likelihood the appropriation bills, if they are thoroughly considered, may take up practically all the time between now and the time it is desired to recess. If that is true, I call attention to the fact that the Committee on Military Affairs has two bills awaiting action on the floor of the House now relating to national defense, and it is entirely possible that we shall have two or three more bills that ought not to be delayed beyond the recess period. I hope the leadership will take those bills into consideration in drawing up the schedules.

Mr. CANNON of Missouri. I may say to the gentleman that after we dispose of the three pending bills we shall not expect to report further bills, with the exception of the lend-lease bill, before the 1st of June.

Mr. HARE. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from South Carolina.

Mr. HARE. In view of what has been said with reference to the conservation of time, particularly in the consideration of appropriation bills on the floor, it occurred to me, as chairman of a subcommittee trying to expedite the consideration of these matters, that if Members of the House would take the liberty of appearing before the subcommittees and pointing out wherein reductions can be made in appropriations, it might save a great deal of time in the consideration of the bills on the floor.

Mr. CANNON of Missouri. That would be a very laudable procedure from more than one point of view.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2714, with Mr. PATMAN in the chair.

The Clerk read the title of the bill.

Mr. CANNON of Missouri. Mr. Chairman, I ask to be recognized for such time as I may desire.

Mr. Chairman, it is written, "Ye shall know the truth, and the truth shall make you free." Let me take just a few minutes to tell the truth—the whole truth and nothing but the truth—about the most maligned, the most misrepresented, and in plain Missouri parlance, the most lied-about man in the world—the American farmer, and legislation in his behalf.

For years the farmer was told that the law of supply and demand governed his prices and there was nothing Congress could do to help him. They said "you cannot legislate prosperity." But the farmer has seen Congress legislate pros-

perity for everybody else. He has seen Congress increase the wages, the profits, and the income of every other group and industry. He has seen Congress, by law, load this increase on the farmer's cost of production and cost of living. And he has come to realize that Congress can legislate money out of the pockets of any one class and into the pockets of any other class, and has been doing it right along.

What is more to the point, he has noticed that when money was legislated into the pockets of labor, industry, transportation, mining, or business, through higher prices, higher wages, higher freight rates, higher coal, oil, gas, and so forth, a large part of the additional money they got was always out of the farmer's pockets.

But when the farmer himself comes to Congress to ask for the same kind of legislation, he is met with the most determined opposition. Every group and interest that wants to live at the expense of the farmer opposes every bill that will give the farmer the same kind of legislation they have already secured for themselves. They say in effect, "We are going to charge you as much as we can and pay you as little as we can," and although we got through legislation before the war bringing farm prices close to parity, they are using every effort to prevent legislation which will protect parity prices after the war. In addition to everything else that can be done to prevent permanent stabilization of farm prices, they have resorted to the most reckless misrepresentation, and I want to catalog a few of these poison-pen stories they have circulated so industriously.

First. They say there is a farm bloc organization here in Washington.

To my certain knowledge, there is no such organization here and never has been. If anyone is in doubt about it, I suggest that they consult Congressman FULMER, chairman of the Committee on Agriculture; Congressman STEAGALL, author of the Steagall bill; or Congressman PACE, author of the Pace bill, all of whom are sitting here. They will assure you that there has never been any organization or meeting, either permanent or temporary, that by any stretch of the imagination could be termed a farm bloc. It is a foreign word usually applied by hostile columnists and commentators to the Members of the House and Senate who support farm legislation. Their bias is shown by the fact that they never speak of Congressmen who support legislation in behalf of other groups as blocs. The corridors of the Capitol are filled with paid lobbyists trying to get through legislation and in both Houses of Congress there are large groups of Congressmen voting for such legislation. But no one ever speaks of them as blocs. There is a much larger number supporting labor legislation than is supporting farm legislation. I know, because I have voted for every labor law passed by Congress in the last 20 years. But you never hear anything about a labor bloc.

There was a much larger number supporting the bill to increase the salaries of Government employees passed by the

House last week. But nobody said anything about the Government employees bloc. You never hear anything about the Ruml bloc or the sales-tax bloc or any other bloc—although they are all there. It is only when the farmer asks for legislation to protect him after the war from the same drop in prices that ruined him after the last war that they talk of the farm bloc—and they usually add the "stumbling bloc." The farmer not only works longer than anybody else, and gets less per hour than anybody else, and is doing more to win the war than anybody else, but he gets more abuse than anybody else.

Second. They say Congressmen and farm organizations opposing incentive payments and supporting post-war stabilization of farm prices through enactment of the Steagall, Pace, and Bankhead bills do not represent the farmer.

If they do not represent the farmer whom do they represent? They do not represent labor. Both C. I. O. and A. F. of L. are supporting incentive payments and cheap food.

They do not represent the Department of Agriculture. The Department and all its hired hands have been fighting desperately for the last 5 years to hold down farm prices. They do not represent the consumer organizations. The consumer is paying the lowest percent of his income for food in all history—22 percent in 1943 as compared with 38 percent in 1919—and all the consumer organizations are for incentive payments, because incentive payments pay a part of their grocery bills out of the United States Treasury. There is nobody left, then, for the farm Congressmen to represent but the farmers who elected them and to whom they must come for reelection. I am a farmer myself and have lost as much money shipping fat cattle and hogs to the consumer at less than the cost of production as any other farmer in my State. Every vote I have cast on farm legislation has been the vote of a burnt child who was singed in the collapse that followed the last war and wants to keep out of the fire at the close of this war.

The same is true of the farm organizations, the Missouri Farmers' Association, the Farm Bureau, the National Grange, and the National Council of Farm Cooperatives. There are no finer men in the Nation today than F. V. Heinke, R. L. Brown, Homer Shride, of my own State; Edward A. O'Neal, Albert S. Goss, Ezra T. Benson, Charles W. Holman, Fred Breckman, and other farm representatives. They are without exception men of the highest character and patriotism. But for them hogs would today be selling at \$9 and eggs at 22 cents, and the food supply of the Nation would be even more inadequate than it is. No one has thrown any mud or made any personal attack on Mr. Gompers, Mr. Green, or Mr. Murray or the representatives of the United States Chamber of Commerce or the representatives of the brotherhoods in all the years they have maintained so splendidly the right of labor, commerce, industry, and transportation. But anyone who represents the farmer bespeaks the

same courtesy and consideration for agriculture is the target of the most unlicensed vilification and abuse. The farmer is always the goat whether in the market or in the legislature.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I gladly yield to the gentleman from Georgia.

Mr. PACE. Certainly, the charge against the bill of which I was the author, to include farm labor costs and parity prices, could not be substantiated as a big farmer bill, because it is the little farmer who works his own farm who would get the greatest benefit under that legislation.

Mr. CANNON of Missouri. But that is also true of the other farm measures we have supported. I am certain that the authors of those bills also, as well as the gentleman from Georgia [Mr. PACE], would likewise testify.

Third. They say these farm measures and the Congressmen and farm organizations who support them are for the big farmer and against the little farmer.

Of all the propaganda they manufacture that is the most transparent. You cannot help the farmer who grows 1,000 bushels of corn without helping the farmer who grows 100 bushels. You cannot increase prices for the man who raises a hundred hogs without increasing prices for the man who raises 10 hogs. You cannot benefit the farmer living on one side of the road without benefitting the farmer living on the other side of the road. If you have attended the meetings of the farm clubs and farm bureaus and farm granges year after year as I have, you would know there could not possibly be any such distinction between members. The membership of these farm organizations throughout the country is made up of the rank-and-file farmers of the neighborhood, and any suggestion at one of their meetings that they were for or against the big farmer or the little farmer would get a big laugh. Just try it out on any local unit of any of these farm organizations anywhere in the country. They always slip in something about the big plantation owner. There is not a big plantation owner in any farm club, farm bureau, or farm grange in Missouri.

And let me take this opportunity to urge any farmer who is not affiliated with a farm organization to immediately join the one nearest to him. This is a day of organization. Everybody is organized and has his representatives here in Washington demanding laws for himself and against everybody else. It is a case of the devil take the hindmost. The consumers in particular are organized and if they had their way would put farm products back where they were in 1921. Government officials in charge of the food program testified that regimentation was infinitely easier this time as they had to deal with over 200 food-distributing agencies in the last war and only 8 chain-store representatives in this war. The farmer must organize in self-defense, or turn this Government over to the control of those who are organized. Some of these organizations are just about running the country as it is. Join

your farm organization and support it in season and out of season if you have any regard for the future of your business and your family.

And every merchant, banker, artisan, newspaperman, and professional man in the inland town should cooperate. If the farmer prospers the local businessman prospers. If the farmer must accept starvation prices for his products as in 1922 and 1932 the town businessman depending on the farmer must run his business on starvation patronage.

Fourth. They say the period selected as a basis for parity was a period in which the farmers were getting the highest prices ever paid for farm products. They also say farmers are better off today than ever before. There is not a word of truth in either statement. The period was from 1910 to 1914, when cotton was \$12.40, hogs were \$7.27, wheat 88 cents, corn 64 cents, and eggs 22 cents. Prices have repeatedly been much better. Hogs have sold as high as \$28, wheat \$2.40, cotton 42 cents, corn \$1.50, and eggs 60 cents.

And yet these devious strategists try to make the public believe the farmers are grabbing for the highest prices ever paid. The farmers are not getting their highest prices by a good deal but every-body else is.

Farm prices today are 10 percent less than in the last war while wages and farm machinery are more than twice what they were in the last war. Here are the Government statistics:

Comparisons of farm prices and industrial wage rates and weekly income with last war and with 1910-14 base period

	1910-14	Peak of first war	January 1943
Farm prices.....	100	202	182
Hourly earnings, factory workers.....	100	193	441
Weekly wage income, factory workers.....	100	182	377
Percentage of industrial worker's family income spent for food.....		78	28
Percentage of all nonfarm family income spent for food.....	31	58	122

¹Lowest on record.

The farmer approves of these wage scales. The more the working man makes the better customer he ought to be. The farmer believes in live and let live. He believes in high wages and high prices. He would not take a penny from either. But he does insist that when he pays his part of these higher wages and higher prices he is at least entitled to a living wage for his own labor and a fair price for his products.

Fifth. They say there is a conspiracy to destroy A. A. A.

There is not the slightest foundation for such a charge. It is only necessary to look at the last agricultural appropriation bill to see that ample appropriation is made for A. A. A. notwithstanding the fact that the Department of Agriculture has raised the quotas on wheat and corn, thereby eliminating a material part of the A. A. A. work. Heavy reductions are being made in every appropriation bill

this session of Congress. The Interior appropriations bill, reported this morning, cuts practically every item in the bill and reduces the total by millions of dollars. All nonwar expenditures must be curtailed. And yet the committee continued A. A. A. with minor changes and the A. A. A. appropriation stayed in the bill. Notwithstanding this, it has been broadcast all over the country that we were destroying A. A. A. I helped establish A. A. A. We cannot maintain prices after the war without A. A. A. To destroy it would be to destroy everything we have been fighting for the last 10 years.

Sixth. They say the committee in charge of the agricultural appropriation bill is trying to wipe out Farm Security, and that the House voted money for loans out of the bill.

On the contrary, the appropriation bill recently reported to the House, recommended \$40,000,000 for loans and \$12,000,000 for their administration. In line with the policy of reducing overhead, eliminating duplication, and avoiding overlapping jurisdiction Farm Security was consolidated along with similar activities under Farm Credit but all its activities were preserved. Farmers can still get exactly the same F. S. A. loans and service they have always had. Farm Security was one of the emergency activities established to alleviate depression conditions along with the Work Projects Administration, the Civilian Conservation Corps, the National Youth Administration, and similar agencies. It was stated at the time they were established that as soon as unemployment and low prices and other depression conditions which brought them about were relieved they would be discontinued. Practically all of them have been eliminated. But an exception was made in the case of Farm Security. Its activities were continued and the committee recommended an appropriation of \$52,000,000 to finance them. Newspaper headlines say "Washington voted overwhelmingly to destroy F. S. A." Nothing of the sort ever happened. It was not even voted on by the House. The House would have approved it had there been an opportunity to vote on it. But it went out on a point of order made by a single Member of the House. I have no doubt that it will be restored by the Senate as items eliminated on points of order usually are. The committee which recommended the appropriation has repeatedly explained this, but Government employees who were afraid their jobs would be affected broadcast the statement all over the country that the committee was trying to wipe it out.

Seventh. They say the farm bloc is trying to start the spiral of inflation by increasing the cost of living. Honestly, now, what is starting inflation—the 20 cents worth of cotton in a shirt or the \$2.30 worth of processing and distribution? Which is inflationary—the 1½ cents worth of wheat in a loaf of bread or the 8½ cents worth of processing and distribution? The farmers are not asking for increases. All the farmer is asking is to hold what he has and to be given legislation which will protect him

after the war as others are already protected. It is not the cost of food that is threatening inflation.

There is a graph just issued by the Government which explains the situation.

Eighth. They say the Department of Agriculture is "supporting" farm prices and there is need of a "price-supporting program."

Comment is hardly necessary. Everyone knows that the Department of Agriculture has been able to hold prices down only by the most drastic manipulation. The claim of the Department that the price of hogs is being "supported" is particularly unconvincing when meat markets throughout the country are usually without pork and even when supplied limit sales of bacon to half a pound to a customer.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from New York.

Mr. MARCANTONIO. Does not the gentleman believe that a competition between prices and wages gives security neither to labor nor to agriculture? Does not the gentleman further believe that prices have to be rolled back to the levels of 1942 and that there should be a subsidizing of prices to make up for any injustices?

Mr. CANNON of Missouri. To the first question, "No." To the second, "No." And I speak for every farm Congressman and every farm organization in the country when I say that if you want to roll back labor, industry, and agriculture to the beginning, take away all arbitrary laws, all artificial stilts upon which labor and industry are walking today, and put them back to the law of supply and demand, the farmer will be the first to go along with you.

Ninth. They say, farmers are shirking war production and holding out for incentive payments above parity prices.

No more unjust charge could be made. Handicapped as no other industry is—without sufficient labor, machinery, or supplies—the farmer is contributing his part to the war effort more efficiently than any other industry. There are no strikes, no lockouts, no absenteeism, no red flags, and no Monday morning hangovers on the American farm. He will produce all he can regardless of the drop in prices handed to him while other incomes are advancing.

Mr. FULMER. Will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from South Carolina.

Mr. FULMER. Does the gentleman agree with me that it is not the farmer's price in any instance that interferes with or brings about that extreme high consumer's price, but, on the other hand, it is the many useless middlemen between the farmer and the consumer? The purpose of the subsidy now being requested is to pay some of the middlemen so that each one of them will get his regardless of what the farmer gets.

Mr. CANNON of Missouri. The gentleman correctly analyzes the situation. No one can question that statement.

Mr. RIZLEY. Will the gentleman yield?

Mr. CANNON of Missouri. I yield.

Mr. RIZLEY. The gentleman has made a very interesting statement and one with which I agree about 100 percent this afternoon. But the thing that is disturbing and alarming to me is this: I would like to have the gentleman say something about it. Undoubtedly the press, and undoubtedly the Office of Price Administration, undoubtedly the administration knows what the attitude of Congress has been and what the attitude of the gentlemen of the committee has been toward this incentive, subsidy program. Notwithstanding that, the gentleman undoubtedly heard an address a week ago over the radio of Prentiss Brown, himself, saying to the people of the United States that they were going to put the program into effect. These gentlemen undoubtedly heard that statement. I would like to ask where they are going to get the money.

Mr. CANNON of Missouri. The New York Times, and I will insert a quotation in the RECORD, has a comment on the statement to which the gentleman refers to the effect that Mr. Brown told the Nation he proposed to bypass the Congress.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Pennsylvania.

Mr. GROSS. How did the gentleman vote on reciprocal trade agreements?

Mr. CANNON of Missouri. I voted with a special view to assuring our neighbors that for the next 2 years—and the war is not going to be over in 2 years—that we are willing to meet them on terms of international amity and equality.

It is well to note that all this propaganda comes from the outside, principally from Washington where they are trying to roll back farm prices, and where they have systematically knocked down the price of hogs, eggs, and other farm products in the last weeks.

Incentive payments mean the defeat of the farm stabilization program for which we have been fighting for 20 years. Our one objective has been to get a legislative floor under farm prices similar to the legislative floor under union wages. It has become imperatively necessary since the war started if we are to escape the collapse in farm prices and farm values, and farm incomes that followed the last war. Thanks to the work of the farm organizations and the farm Congressmen we are about to establish a system which can be maintained when the post-war test comes. But to substitute subsidy payments means that when the war closes the subsidies will be discontinued and we will again have the 5-cent hogs, 20-cent corn, 35-cent wheat, and 8-cent eggs we had in 1920.

Incentive payments will not do the work and every reputable farm organization has repeatedly adopted planks in their annual platforms opposing them. But I will not refer you to the farm organizations or take farm testimony this time. Let us, instead, consult the great newspapers of the Nation.

In the first place, they will not get results. The Wall Street Journal says:

Subsidy as a national price-control policy is a measure of desperation. The rigid collateral regulation which has facilitated its use in Britain and Canada does not yet exist in the United States and is quite unlikely to be introduced in the near future. Subsidy is the opposite of stabilization. It does not prevent price increases but only conceals them from the general gaze in the debt bookkeeping of the Treasury.

And in a second edition:

Subsidy as a national price-control policy is a measure of desperation. The rigid collateral regulation which has facilitated its use in England and Canada does not exist in the United States and is quite unlikely to be introduced in the near future. Subsidy is the opposite of stabilization. It does not prevent price increases but only conceals them from the general gaze in the debt bookkeeping of the Treasury.

An editorial by the Washington News:

It is dangerously misleading to say that the administration's subsidy scheme will roll back the cost of living. It will only appear to do that. The cost of living will remain the same, but the Government will be paying part of everybody's grocery bill.

But whatever comes off the consumers' bills will be added to the astronomical public debt.

An editorial by the Indianapolis Times:

It has no economic merit whatever. But it has political merit. A reduction of 10 percent in all prices equals an increase of 10 percent in all incomes. The hand is quicker than the eye, maybe, and here is a way to take off some of the pressure for higher pay that still threatens to close our coal mines, and hovers like a storm cloud over all American industry. A way to raise everybody's income, great and small, without seeming to raise anybody's pay.

To be sure a universal rise of 10 percent in income will give everyone 10 percent more to spend with no more merchandise to spend it on, and to be sure that is direct inflation. And that is where a subsidy to roll back prices is taking us.

Even for the two plus two equals five school of economists whose opinions bear so much weight in Washington today, it will be quite a difficult job to inflate just one side of a balloon.

Three excerpts from the New York Times:

The great political and economic danger of governmental subsidies is that they postpone the appearance of inflation while building up the realty. They permit (for a time) high wages with comparatively low living costs. They mean (for a time) high prices for producers with low prices for consumers. This is the politician's paradise. It is not difficult to see why the policy of subsidies seems at the moment the political path of least resistance.

And:

Not the least danger of the subsidy policy is that of increased political control over producers and processors of all sorts. The producer's solvency and economic life depend not on what he gets for his goods in the market but on his Government subsidy. Once this dependence is established, then the Government can tell the producer that his subsidy will not be continued unless he does this or that or the other. It is another step toward authoritarian control. In being deeply suspicious of it, farm groups have shown a sound instinct.

And:

The subsidy plan will not reduce the cost of living. Wage costs, material costs, power costs, and profits will not be diminished. What is to happen is that part of the living cost of the American people will be paid for out of the Treasury. There was something somewhat similar a little while ago. When millions went on relief during the depression, the cost of living wasn't reduced. They just received a subsidy—a 100-percent subsidy for all of their living expenses. The plan Mr. Brown announced on Friday is in some ways more extensive and in others more limited than was the relief scheme. Mr. Brown would place everybody on relief, not for all but for a part of his cost of living.

The Boston Transcript says:

The National Industrial Conference Board completely blasts the fiction that living costs have been running ahead of pay in America's major industries. On the basis of a large cross-section of them, the Conference Board shows that, even using the high levels of January 1941 as a starting point, average weekly income from such wages had risen more than 21 percent by last February as against an increase of 18.4 percent in living costs, while compared with February 1929 (when everything was at the top and nobody but Roger Babson saw what was coming) the wage average last February had increased by more than 50 percent.

Government subsidies can exercise a temporary effect on the superficial evidences of inflation (as it has done in England), but they are like sweeping the dirt under the bed or trying to stem a flood by raising the height of the dam.

The cost of incentive payments as compared with results secured render them prohibitive.

The Indianapolis Times points out:

The original estimate of what it would cost the Government just to roll back prices a few cents on a few food items June 1 was \$300,000,000 to \$500,000,000, an amount which George Meany, secretary-treasurer of the American Federation of Labor, calls "peanuts" compared to what he believes is needed really to roll back prices. "Peanuts" is right. To roll back all prices by 10 percent by the subsidy plan would cost around \$6,000,000,000 a year, which the Government would have to borrow, and on which the Government would pay interest of about \$150,000,000 a year.

Inflation, which is simply a too high price level for merchandise, would not be reduced a penny's worth by paying part of the price in borrowed Government money.

The Chicago Tribune says:

The financial aspects of the plan to have the Government pay a part of everyone's cost of living are interesting. The money for such a vast undertaking can come either from borrowing or taxes. Inflation would result from borrowing money to pay 10 percent of the cost of some of the most important food items. On the basis of experience the banks would have to take half the bonds. The inflationary effect of public borrowing from the banks has been pointed out repeatedly. Another way to accomplish the same thing would be to leave prices where they are and give 10 cents' worth of War stamps away with each dollar's worth of meat, butter, and coffee purchased. This in fact, would be less inflationary than the borrowing of the money to pay a subsidy, for people would probably accumulate the stamps and exchange them for bonds.

But incentive payments would bring about the inflation it is designed to control.

The New York Sun reminds:

The use of subsidies to prevent inflation is equivalent to trying to put out a fire by pouring oil on the flames. The immediate result may be to arrest a price rise, but the billions thus paid out in subsidies add to the excess purchasing power that is the prime source of inflation, and help to swell the public debt that imposes an over-all burden upon taxpayers of the present and coming generations.

And the Times corroborates:

Subsidies are not loans; they are gifts, made in an effort to stabilize cost-of-living prices and thus stave off wage increases which, in turn, produce others and inflate the whole price structure. That in sequence brings new wage increases and steadily mounting inflation.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The gentleman made an observation a few moments ago that I think perhaps should be enlarged somewhat. He was speaking about the cause of inflation; that is, whether it is the 20 cents in a cotton shirt or the processing cost. The gentleman did not mean to say that either of those elements to which he referred necessarily promotes or causes or abets inflation, did he?

Mr. CANNON of Missouri. I meant to say that, with a raw material which accounted for only a cent and a half in a 10-cent loaf of bread, for instance, you could not with any minor fractional increase of that cost which could possibly be attributed to the price of the wheat in the bread start a spiral of inflation. In short, incentive payments will not do the work; will cost billions of dollars at a time when we cannot afford to waste money; will start inflation and will destroy effective stabilization of farm prices after the war. There is every reason why they should be avoided and present farm prices continued without increase or variation. And there is no tenable reason why we should resort to so costly and so dangerous an untried expedient which promises so little.

Mr. CRAWFORD. I agree with the gentleman on that.

Mr. CANNON of Missouri. I said that with the preponderance of the cost of that material in the processing and distribution, it was absurd to say that by the addition of a small fraction of 1 percent you could start a spiral of inflation. As a matter of fact it becomes more and more apparent that the granting of parity prices for every farm product cannot possibly start inflation but, on the other hand, will contribute to the welfare not only of the farmer but of the country as a whole.

Mr. CRAWFORD. If the gentleman will permit another observation, I understand that one of the committees of the House will tomorrow take up a bill through which one of the Government agencies is seeking for subsidies funds to the extent of \$1,000,000,000.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, we are going to vote this afternoon, I presume, on the so-called amendment offered by the Kerr committee. In that connection, I fear that we are embarking upon something rather dangerous. We should think very deeply before we vote approval of the so-called ouster of liberals from various executive departments of the Government.

As I view it, this is an attempt to discharge certain men in the Government service because of their opinions. It is primarily just that.

If we are going to assume the right to fire, we may as well assume the right to hire, and then this august body would become an employment agency.

The Constitution provides for executive removal. Authority to appoint subordinate civil officers whose methods of appointment are not prescribed in the Constitution may be vested by Congress in the President, the department heads, or the courts—article II, section 2, of the Constitution.

Authority to remove subordinate civil officers in the Executive branch is recognized to be a part of the power to appoint. The President, acting independently, may even remove civil officers originally appointed with the advice and consent of the Senate, *Myers v. The United States*, 1926 (272 U. S. 52). Congress, however, may not remove civil officers except by the specific process of impeachment—article I, sections 2 and 3; article II, section 4; and article III, section 2, of the Constitution.

Therefore, any legislation barring payment of salary to specifically named individuals who were executive appointed will be invalid, and will not be binding upon the executive branch of the Government. In other words, you can do anything you want with reference to barring the right to pay these men out of the appropriation bills, but those men would still have a right to retain those jobs and the executive head would still have the right to maintain them in those positions; so what you intend to do might be purely abortive.

I do believe that as a result of the war we have developed a sort of hysteria on this subject and are somewhat submerging our well-considered judgment to our emotions. That is why I might term this effort a sort of witch burning, by saying that we hold a gun of threat and coercion at the heads of all the departments and utterly disregard history.

Soon after the Revolutionary War, Thomas Jefferson denounced the concentration of judicial and executive, as well as law-making powers, in the Legislature of Virginia. See the notes on the State of Virginia by Jefferson, page 195. Such concentration, he said, "is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. Many despots would surely be as oppressive as one. As little will it avail us, that they are chosen by ourselves. An elective despotism," said the author of the Declaration of Independence, "was not the government we fought for."

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 additional minutes to the gentleman from New York.

Mr. CELLER. By attempting to control the views and the opinions and the payment of salaries because thereof to the various members of the executive branches of the Government, we, the legislative branch, are arrogating to ourselves executive powers. That is the type of union of powers that Jefferson inveighed against.

I remind the Members of the House of the reconstruction era, when a man by the name Thaddeus Stevens assumed almost superhuman power in this very Chamber. He did so by arrogating to Congress vast executive and judicial powers.

He controlled the destinies of the other Chamber and the destinies of the Executive. He sought to impeach the Executive, President Andrew Johnson, and failed by only one vote, and it is interesting to note that all of the articles of impeachment on which he rested his charges against Andrew Johnson were declared invalid subsequently by the Supreme Court. But Stevens cared naught for law. He stubbornly refused to yield to reason. He would have his way at all costs, even at cost of usurpation of Executive powers. I do not want the Congress to embark on that kind of error; but we are indeed establishing a highly dangerous precedent.

If we are going to examine as closely as did the Dies committee and the Kerr committee into the views and opinions of employees in the executive branch of the Government, I venture this assertion, that Thomas Jefferson himself, and Benjamin Franklin and John Quincy Adams themselves, could not have stood the test, and that appropriations for their salaries would have been summarily cut off. Let me remind you that the Declaration of Independence speaks of "all men being created equal." Is there not something collective in this conception. Have we forgotten that John Quincy Adams wished to make our economy collective, and this Republican President—mark the words—sought to develop the national life on a collective, and not on a competitive basis? In other words, if John Quincy Adams today were on our pay roll, the Dies committee and the Kerr committee would say his name should be stricken from the pay roll because he was a Communist and wanted to destroy the profit system, because he believed in the theory of collectivism. Read the history of John Quincy Adams, and you will see that his views are of that sort. Let me go further. Benjamin Franklin wrote to Robert Moore in 1783 as follows:

All property except the savage's temporary cabin, his bow, his matchcoat, and other little acquisitions absolutely necessary for his subsistence seems to me the creative of public convention. Hence, the public has the right of regulating descents, and all other conveyances of property, and even of limiting the quantity and the uses of it. All the property that is necessary to a man for the

conservation of the individual and the propagation of the species is his natural right, which none may justly deprive him of, but all property superfluous to such purposes is the property of the public, who, by their laws, have created it, and who may, therefore, by other laws, dispose of it, whenever the welfare of the public shall demand such disposition. He that does not like civil society on these terms, let him retire and live among savages.

Thus spake Benjamin Franklin, and his words are little different from the words of Messrs. Dodd, Lovett, Watson, and other ultraliberals. Was Franklin a collectivist, or was he not? Franklin and his views, as I have just expressed them in part, was parcel of the patriotism of the Revolution.

I could give many honored names, famous in our history, who could not have stood the test laid down by the Kerr committee or the Dies committee. Time will not permit, except to draw attention to the extreme views of Dr. Edward Everett Hale. Assuredly he was a patriot, this man who wrote the famous *The Man Without a Country*. In his book *We, the People* he said, "The people own the roads, the schoolhouses, the lighthouses, why, then, object to the ownership of wealth in common?" And he was Chaplain of the Senate. Was he disloyal? I do not think so. Yet he, if living, and if Chaplain, would come under the Kerr committee definition of one guilty of subversive activity.

I want it understood there is nothing of a personal nature intended by my words so far as the membership of the Kerr committee is concerned. I simply disagree with them. They do not abide by the constitutional procedure. I am not so much interested in the opinions of the men under fire as I am in the improper and fatal precedent we are embarking on. I am more concerned about the method of ouster.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. OUTLAND].

Mr. OUTLAND. Mr. Chairman, this proposal to remove certain men from the Government service by means of an amendment to an appropriation bill is extremely dangerous. In my judgment, it violates our American concepts of fair play, freedom of speech, and direct action. It sets up no definite standards as to what is subversive and opens wide the path of intolerance. Under the principle here implied, for example, a Cabinet member could be removed from his position by having Congress disapprove his social or economic views, and then follow up such disapproval by an amendment such as we are discussing today.

Our American history has been an inspiring story away from intolerance toward greater freedom of choice for the individual. From the witch hunts of colonial days, the persecution of Quakers and Catholics, and the other manifestations of bigotry that characterized our early history, we Americans have been moving steadily in the direction of greater freedom of individual thought and action, as guaranteed under the essence of our Constitution, the Bill of Rights. This amendment we are now

discussing would be a serious step backward if it is adopted.

Of the men specifically mentioned, I have met Mr. Watson on one occasion; Mr. Dodd and Mr. Lovett I have never seen. I believe them to be able and honorable American citizens, doing their best as their consciences dictate to play their part in the all-out war effort. If this amendment passes it will not only remove these citizens from the Government service but it will be doing a much graver injustice—that of depriving them of the most precious of all American attributes, their good name.

And what is the basis for this contemplated action? It is simply that they have belonged to organizations or spoken before groups which do not meet with the approval of certain Members of Congress. Thus it becomes a matter solely of opinion, not of law, and we have prided ourselves that in this democracy of ours we are governed by laws, not by the whims of men. Such action smacks far more of the tactics of the Nazis and the Fascists, against whom we are fighting, than of the spirit of American justice and fair play.

Even the organizations mentioned have not been made illegal; they have simply been condemned as subversive, without this charge being substantiated in any way. Let me give one example. Among the organizations to which Mr. Watson belonged was the Consumers Union. Now, my colleagues, I have belonged to the Consumers' Union, and if my membership has lapsed at the present time I certainly intend to renew that membership. I believe this organization to be doing an extremely valuable piece of work in informing and protecting the American buying public. To charge it with being subversive is to reach the depths of the ridiculous. I would not advise any person to call me subversive simply because I belong to it. And yet it is this type of evidence that is being offered to back up the action contemplated by this amendment.

Ladies and gentlemen of the Congress, let us set the example here for the rest of our country in fair play, considered action, and protection to our most cherished constitutional rights. Let us not give way to war hysteria and do things for which we will later be ashamed. Let us do our part in keeping our country moving in the direction of greater tolerance and greater liberty, in keeping with our democratic traditions. Let us vote down this amendment, which is dangerous and essentially un-American.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. FOLGER].

Mr. FOLGER. Mr. Chairman, I begin my remarks by saying that I find myself, after a great battle with myself, unable to vote in support of the amendment to remove from the service certain named individuals, beginning, however, with this observation as I see it. The subcommittee of the Committee on Appropriations is not at all blamable for this situation. It has been brought about by the action of the House itself, of which I am one, and I must bear my share of

whatever blame attaches to it. I said on the floor of the House on other occasions that these men who constitute the subcommittee of the Committee on Appropriations are as outstanding, as fair, as honorable, and as intelligent as could be found anywhere. Perhaps I said in the Congress, but I am willing to go further now and say anywhere. The trouble, however, is, as I see it, that we are launching on a procedure that will not do. We cannot as a body of legislators, Members of an American Congress, legislate in a left-handed way, as in an inquisition or an impeachment proceeding. I have not had the opportunity of reading more than the report that has been filed in this case. I am compelled, however, to convert myself into a juror. I conceive myself to be sworn as a juror. Considering the position that you and I are in, that we must in voting upon this amendment find these accused guilty in fact, unfit to hold office under the Government of America, or say that we do not have sufficient evidence to find them so. That is the American way, and I conceive myself to be bound by this sort of an oath:

You do solemnly swear that you will well and truly try and true deliverance make between the government and the prisoner whom you shall have in charge and a true verdict give according to the evidence thereon, so help you God.

Until I got to thinking about it I hardly knew why that was at the end of the oath, "so help you God." It is a prayer rather than the administration of an oath that has been embodied in the law of our land. You are embarking upon such an important matter that I charge you that you summon to your aid the help of God in directing you in such an important matter.

I would not, if I could avoid it, be a juror in this case, but by virtue of my membership in this House I am essentially converted into the position of a juror. Mr. Ickes has said concerning this matter—and I get it from the paper—"To brand him"—and he had reference to just one who was in his department—"and kick him out of the Government in the fashion proposed would be an outrage against the Bill of Rights and a travesty on democracy." I call your attention to the fact that Mr. Ickes does not say, "A travesty upon justice," but he says, "The procedure by which it is proposed to arrive at this very serious and important result is a travesty upon democracy."

I am convinced that he is right, but it applies to the House and not to this committee, and I cannot vote to sustain this finding, resulting, as I view it, in doing harm to our democracy and violating the Bill of Rights.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. COFFEE].

Mr. COFFEE. Mr. Chairman, it is with great regret that I take issue with a committee of which I am a member in bringing in the report recommending that three gentlemen be deprived of em-

ployment by the United States because of opinions which they have been alleged to have expressed or because of some alleged association with organizations denominated by the Kerr committee as subversive, under a definition which they have offered under their own ipse dixit in this Congress.

I read the definition which they have given to the Congress:

Subversive activity in this country derives from conduct intentionally destructive of or inimical to the Government of the United States—that which seeks to undermine its institutions, or to distort its functions, or to impede its projects, or to lessen its efforts, the ultimate end being to overturn it all. Such activity may be open and direct as by effort to overthrow, or subtle and indirect as by sabotage.

Having set up that definition, having adopted it and hugged it to their bosom, they now proceed to characterize three distinguished intellectuals of the United States as guilty of subversive activity.

Mr. CELLER. Will the gentleman yield?

Mr. COFFEE. I yield.

Mr. CELLER. Is not that definition quite contrary to the edict of the United States Supreme Court as to what is subversive?

Mr. COFFEE. Contrary to a line of decisions handed down by the United States Supreme Court for a period of 145 years; diametrically and categorically in opposition to the whole line of decisions of the Supreme Court of the United States.

Mr. ANDERSON of New Mexico. Will the gentleman yield?

Mr. COFFEE. I yield briefly.

Mr. ANDERSON of New Mexico. Would the gentleman cite one decision?

Mr. COFFEE. Myers against United States is one. I do not have my brief with me at the moment.

Mr. ANDERSON of New Mexico. Does it define "subversive"?

Mr. COFFEE. No; but I am talking about the whole philosophy about what is subversive activity in the United States.

Mr. ANDERSON of New Mexico. You say the Supreme Court has a line of decisions for 145 years?

Mr. COFFEE. I cannot give the exact citations now, but I will get my brief and give them during the discussion on this bill.

One of the gentlemen is Dr. William E. Dodd, Jr., the son of a former Ambassador to Germany, a distinguished son of North Carolina, who is well known to the members of the North Carolina delegation, a man who came from 250 years of distinguished American antecedents. He is a doctor of philosophy. He is a graduate of leading American institutions. Yet this committee, and the Congress, if the Congress follows it through, would seek to blacken that man throughout his life as being guilty of subversive activities, when perhaps he was just a little more advanced in his thinking than some of the rest of us and saw the dark clouds on the horizon a few years ahead of us and was active in his opposition to fascism, and thereby ran head on into certain people who did not agree with his expressions.

Here is a statement from the Washington Post, which is far from being a radical newspaper, in which it characterizes the proposed action of Congress in this respect as virtually a bill of attainder. An editorial which appeared in the Washington Post under date of May 13 denounces this action of Congress in no uncertain terms. In the same paper in another editorial 2 days later they went into the subject in a little more detail.

What is this crime of which these men are guilty? It is that either they have been the sponsors of some organization, have addressed some organization, donated to some organization which someone, somewhere, somehow said in his opinion was inimical or acting in a manner inimical to the best interests of the United States. There is not a finding anywhere in the report of the Kerr committee that any of the gentlemen so characterized was guilty of advocating the overthrow of the American Government by force and violence. There is no charge anywhere in the committee or in the hearings to the effect that any of these distinguished intellectuals advocated the overthrow of this Government.

Mr. KEEFE. Will the gentleman yield?

Mr. COFFEE. I yield.

Mr. KEEFE. Will the gentleman be kind enough to remain when I have the privilege of addressing this House? I think he will learn something, and would not be so exercised and make the statements he is now making, which do not comport with the truth at all.

Mr. COFFEE. I will be glad to remain.

Mr. KEEFE. I will give you some facts instead of a lot of generalities.

Mr. COFFEE. I will be glad to remain and listen to anything the gentleman has to say. My argument is directed to the procedure whereby the Congress, through this subtle manner, if we want to resort to the use of the word—is denying due process of law to Federal employees accused of subversive activity.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield 2 additional minutes to the gentleman from Washington.

Mr. COFFEE. My objection is to the procedure and to the precedent we are seeking here to establish. Shakespeare said:

Who steals my purse steals trash; 'tis something, nothing;

'Twas mine, 'tis his, and has been slave to thousands;

But he that filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.

We in Congress are sitting here as judge, as jury, and as prosecutor. The Kerr committee did not accord to these men who are under examination anything more than permission to come up and present their answers in writing, or orally, to the charges which had been made against them. No opportunity was vouchsafed to the men under discussion to come before the committee with counsel nor to produce their own witnesses,

nor to have the right of subpoena, nor to have a copy of the transcript of the proceedings, nor an opportunity granted to them therefore to review the charges which were made against them. We are attempting to do something today which is unconstitutional. We are attempting to impeach men by methods other than impeachment. No articles of impeachment have been drawn up in the House of Representatives nor presented to the Senate against public officials of the United States, and these gentlemen are public officials. No attempt has been made to follow constitutional procedure, but an attempt has been made to circumvent the Constitution by adopting legislation which has the effect of a bill of attainder, one of the fundamental things against which our colonial forefathers sought separation from the mother country 160 years ago.

Mr. Chairman, we are proceeding on a dangerous course. One of the four freedoms for which this war is being fought is the freedom of speech and yet we are trying to deny the freedom of speech to distinguished citizens who come from as distinguished ancestors as those from which any Member of Congress in this House of Representatives has descended.

How may we rationalize this proposed purge of liberals from Federal employment? This attempted pogrom is congressional usurpation of office. We, as legislators, are trespassing upon Executive prerogatives. See decision of the United States Supreme Court in the famous case of Myers against the United States. Does the Bill of Rights and freedom of opinion have no application to Federal employees? Have we two standards of freedom of speech, one for non-employees and another for Federal employees?

The editorial from the Washington Post to which I have heretofore referred is as follows:

BILL OF ATTAINDER

The House Appropriations Committee has urged upon Congress a procedure fraught with the gravest danger to American institutions. It has recommended attachment to the next convenient appropriation bill of an amendment providing that "no part of this or any other appropriation shall be used to pay the salaries of Goodwin B. Watson and William E. Dodd, Jr." If Congress follows such a course, it will be guilty at once of legislation in the nature of a bill of attainder and of a gross usurpation of executive authority.

The two men named in this curious provision are employees of the Federal Communications Commission. Responsibility for determining their qualification for public office rests with the Federal Communications Commission. Under the law no Government agency may employ any person who advocates or has "membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States." Neither of these men has been found guilty of, or has even been charged with, such advocacy or such membership. They have merely been accused, through the star-chamber proceedings of a congressional committee, of something vaguely termed subversive activity. The methods pursued by this committee were a travesty on the judicial processes which have enabled Americans to think of themselves as free men.

Congress may properly write into law standards for the employment of Government personnel. It may properly hold any Federal agency accountable for adherence to such standards. But the proposed amendment goes far beyond such powers. It would dismiss from Government service individual employees on shadowy grounds which have never been enacted into law. This is not the first attempt of its kind. Some months ago the House threatened to deny salary payments to a Treasury Department employee, Dean Pickens, on the basis of similarly tenuous charges by the Dies committee. Happily a regard for civil rights prevailed. Several years ago the National Labor Relations Board was specifically forbidden to pay any of its funds to a particular staff member. The present provision goes to even more fantastic lengths. It declares that no part of any appropriation may be used to pay salaries to these individuals who have incurred congressional displeasure. In other words, this rider may be pasted onto the appropriation bill for the Department of the Interior or for the Navy and yet strike at two employees of the Federal Communications Committee.

But the injustice threatened to these individuals is transcended in importance by the threat which such action raises against the tripartite basis of the American system of Government. If Congress removes these men from office through the disingenuous procedure recommended by the House Appropriations Committee, it will be acting at once as legislature, executive, and judiciary. The Constitution vests appointive power in the President. The corollary of this power, authority to remove Federal officials, as the Supreme Court clearly held in the case of *Myers v. the United States*, also rests in the Executive. Only through the well-defined impeachment proceedings established by the Constitution may Congress properly remove from office a member of the executive branch of the Government.

This is elementary to the separation of powers which the founding fathers considered essential to liberty. If Congress can oust executive officers at will, then we are subject to nothing short of legislative despotism. Conceivably, by a simple majority vote, the legislature could refuse to appropriate funds for the payment of a salary to members of the Cabinet, or even to the President himself. Its rule would become absolute. The Members of Congress would do well to remember that dictatorship is no less dictatorial and no less alien to American traditions when exercised by many men as when exercised by one man alone.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. SADOWSKI].

Mr. SADOWSKI. Mr. Chairman, if it came down to a question of firing a Communist or a Nazi—dismissing someone like that—I think both I and the gentleman from Washington, who spoke before me, and the gentleman from New York [Mr. Celler] and every Member of this House would vote unanimously to dispose of any such individual; but let us have proof that they are Nazis or Communists; let us have definite proof; let us not get down to the position now where this Congress is going to start regulating a man's mind—his way of thinking. Whenever any of us become that great and that important—that he can start regulating a man's thought, his way of thinking—he had better resign

from this Congress because he has become too big for the job. What would you think of GEORGE SADOWSKI trying to regulate his colleagues' minds—the mind of the gentleman from Michigan here [Mr. HOFFMAN] or the gentleman from Illinois [Mr. DIRKSEN] or the gentleman from Mississippi [Mr. RANKIN]? These men are educated; they are independent thinkers; they have their own minds; they have studied our problems and certainly know just as much as I do; and it would be too bad for me or any other Member of this body to stand up and try to regulate their minds; try to tell them how they should think; try to tell them what letters they should write; try to tell them what they should put in the CONGRESSIONAL RECORD.

It all simmers down to this: I am not going to quote any court cases, as did my friend the gentleman from New York [Mr. Celler]; there is no need to quote a lot of decisions; I do not have them and I do not think it is necessary in this discussion. I think it all simmers down to the use of just a little ordinary horse sense—plain thinking for all of us. We have a lot of people in the United States of America—a lot of people who think differently than you and I do. There are a lot of sections in this country—North, South, East, and West—and we have all had experience with all kinds of people who think differently, but these thoughts are not inimical to the United States of America. These people are not Communists; they are not Nazis; they have a right to think. The people of this country have thought differently for years, and that is what has made this country a great country. Down in Michigan we have a man by the name of Father Coughlin; another famous radio personality, Gerald K. Smith. I do not agree with them. We listen to what they say on the radio and if we do not like it we turn the radio off; but we are not going to come out here and say that all these people who think differently than we do must adjust their reasoning to conform with ours. When a man and his family have lived in this country 250 years he cannot be entirely wrong. I think we had better get down to earth and not let this war get us off our steady thinking here. We better be just a little bit liberal in looking at the other man and at his way of thinking.

Mr. MILLER of Nebraska. Will the gentleman yield?

Mr. SADOWSKI. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. The Civil Service Commission denies employment to individuals who are physically ill. Does the gentleman think we ought to deny employment to those who are mentally ill?

Mr. SADOWSKI. If they are mentally ill, I think they should; but I still think if they just do not agree with me I am not going to say, "You are a crackpot," because in 2 or 3 years from now, after giving a little thought to some subject, I might change my mind.

Mr. GIFFORD. Will the gentleman yield?

Mr. SADOWSKI. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. What worries me is that my constituents do regulate my mind. I do not think I could be elected if I belonged to those organizations that have been mentioned. I do not think they would employ me. I regard this employment matter as not so serious as some people try to picture it. I could not hold my job under those circumstances.

Mr. SADOWSKI. I grant you that you are right. My constituents expect me to represent them properly, and that is what I am trying to do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. FORD].

Mr. FORD. Mr. Chairman, it occurs to me that Congress is forgetting its functions and striving to branch out from the legislative to the executive field. This implies no criticism of the subcommittee delegated to do this job.

If the Appropriations Committee is going to dominate the executive departments through the exercise of its control over the purse strings, then it seems to me that a great deal of time and effort is being wasted by having the regular standing committees of the House meet, discuss measures, vote them out, pass them, only to find that their effort has been wasted motion for the reason that the Appropriations Committee may in its wisdom say, "Sorry, gentlemen, but we do not like the activity; you propose or the men engaged in operating it, and so we are not disposed to grant the department charged with the carrying out of the provisions of that particular bill the necessary funds."

I can conceive of that being a legal function of the committee; I can even conceive of its occurring at any time.

But what I cannot conceive is that the Appropriations Committee is legally authorized to say to an executive department, "You may not employ John Jones or Jim Smith or Ed Brown, because in the judgment of this committee they are unfit for Government service because these men have engaged in subversive activities. They have individually at divers times expressed ideas, either orally or in writing, which this committee deems subversive." The committee is a legislative committee; by no stretch of the imagination can it be said to be a judicial body or the agent of a judicial body. True, it holds hearings. It questions these alleged subversive persons. It assumes judicial functions, arrogates to itself the right to act as judge, jury, and executioner. It usurps two functions specifically denied it by the Constitution—the judicial and the executive functions.

If it can remove, by the denial of funds, an executive officer, it can in like manner remove a judicial officer or a judicial district, or all judicial districts. It can say, "We will appropriate no money to pay the salary of Judge Jones or Judge Brown or Judge Smith," an authority which would render the judiciary subject to the whim of any Appropriations Committee. If it can do that it can also

say, "We will appropriate money to pay the salaries of Judge Day, Judge Knight, or Judge Spring."

Gentlemen, you are getting into deep water; you would submerge the courts and the executive departments, render them dependent upon your will, and thus, in my opinion, engage in a type of subversive, un-American activity that would actually overthrow our form of government, not by force and violence but by usurpation of all executive and judicial authority through what we are pleased to call control of the purse strings.

I do not charge that the committee would do this, but I insist that you could if your obiter dictum in this particular case is legal and not in contravention of the Constitution.

The Constitution specifically prohibits the passing of any bill of attainder or bill of pains and penalties. Since this bill does not undertake to deprive, the persons involved in this case are not being deprived of their lives, it comes under the head of a bill of pains and penalties.

Mr. Chairman, democracy has its very basis and existence in difference of opinion, just like horse racing. If you are going to go out and say, as one of the other gentlemen so well said, that this man must think the way I want him to think or the way Congress wants him to think or the way somebody else wants him to think, then I say our democracy is undergoing a distinct change and, I fear, not for the better.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. McMURRAY].

(Mr. McMURRAY asked and was given permission to revise and extend his own remarks in the RECORD.)

Mr. McMURRAY. Mr. Chairman, I might say that I have a duty here to do which I do not exactly relish. I do not know all of the Members of the Kerr committee. I do know two of them and I regard them very, very highly. I have a great deal of respect for them as individuals and as Members of this House and because I regard these men very highly, these two particular men I am speaking about, this becomes an onerous duty, but duty it is.

There have been a good many arguments made here as to why we in the Congress should not do the thing we are about to do today. I do not fool myself a bit. I think I know as I stand here what this House will do. I think I can give you the verdict now, but I can also tell you a few other things about the result of the action which this House will take. This House will eventually become the laughing stock of the Nation and it will become the laughing stock of all men of good will and intelligence everywhere.

Mr. HOFFMAN. Will the gentleman yield?

Mr. McMURRAY. I yield to the gentleman from Michigan.

Mr. HOFFMAN. At this time I want to express my sincere and deep appreciation for the gentleman's warning.

Mr. McMURRAY. I thank the gentleman. Of course, in the brief time I

have at my disposal I cannot go into the charges against these men. I do not know them. I did know Mr. Dodd's father. I consider him to be the greatest teacher I have ever had and the wisest man I have ever known and one of the warmest personal friends I ever expect to have in this world. In my opinion, he is the greatest teacher I have ever studied under, and I have studied under the great in a good many universities. I do not know the men under consideration.

Mr. COFFEE. Will the gentleman yield?

Mr. McMURRAY. I yield to the gentleman from Washington.

Mr. COFFEE. Does not the gentleman think the Congress is taking considerable on itself to assume to disagree with the opinions of some of the greatest and most brilliant minds in America? Does not the gentleman think we are presuming a little bit to say that they are wrong and we are right?

Mr. McMURRAY. I am in agreement with what the gentleman has stated.

Mr. TABER. Will the gentleman yield?

Mr. McMURRAY. I yield to the gentleman from New York.

Mr. TABER. Does the gentleman have any idea that those people who made statements criticizing the prospective action on the part of the House have any idea of what the history of this thing has been and what we have been up against on it? Does the gentleman think they have? I know many in that group that have not.

Mr. McMURRAY. I may say in answer to what the gentleman has just stated that I have spent a good many years of my life studying the history of political theory and political thought, and I have studied the history of legislative bodies down through the ages. I know something about what legislatures can do and what legislatures ought not to do. I may say that there is a sincere question here that will be raised in any man's mind who knows anything about political theories or about law, and I do not profess to be a lawyer. This action does violate the separation of powers which is a part of our constitutional system. This Congress has the right to destroy, to refuse to appropriate for, or to abolish any job or any function performed in the Government of the United States, but this Congress, let me repeat, has no right to say that Mr. A can perform a certain function and Mr. B cannot perform this function. This power is executive in its nature and belongs to the President of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. ANDERSON].

Mr. ANDERSON of New Mexico. Mr. Chairman, I fully appreciate the difficulty of my good friend from Wisconsin [Mr. McMURRAY]. I know he is trying to be as fair as he can be to the Members of this House. I have no quarrel with his attitude, and as far as I am concerned I am not going to quarrel with any Member who brings to the House his

views if he feels sincerely that this is an unreasonable proceeding against any man.

I would like to say one or two things as an argument to those who have felt inclined to object to what the Kerr committee has been compelled to do.

You fully realize that a committee on un-American activities was at work for many years. That committee brought in a great many charges. The time of the House was being taken up, time after time, in the consideration of those charges, and the House in its wisdom finally passed a resolution, House resolution 105. I believe that all of the people who have been criticizing this action should take the CONGRESSIONAL RECORD of February 9, when this resolution was adopted, and find out there in what particular they protested against this investigation. I have read the RECORD very carefully and I do not find where there was any protest against the adoption of the resolution.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield.

Mr. MARCANTONIO. I recall very definitely when the resolution was adopted, on a voice vote, I voted "no."

Mr. ANDERSON of New Mexico. I do not question the gentleman. That is a perfectly safe statement as there can be no evidence on it. But there seemed to be no demand on the part of anyone at that time to go on record on that particular resolution. No one asked for a division. No one asked for tellers or a roll call. There was no opposition to it. It is quite different now.

But let me call your attention to the fact that this resolution delegated to this subcommittee of the Appropriations Committee the duty of examining into certain allegations that had been made with a view to finding out what the previous association of these people had been. It has been charged that it was not proper for the committee to determine for itself a definition of subversive activities. I am not a lawyer. Everyone here knows that. I have been assured by the attorney for the committee that nowhere in the citations of the Supreme Court of the United States is there a clear definition of subversive activities. If there is, then I have been misled. If there is not, then certainly the people who know we were required to define subversive activities ought not to complain over the fact that the committee had to decide what a proper definition was.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield.

Mr. CELLER. Is there not a definition declared by the Kerr committee on page 5 of its report?

Mr. ANDERSON of New Mexico. Yes.

Mr. CELLER. It cannot be said you did not adopt a definition as to what subversive activities were.

Mr. ANDERSON of New Mexico. In answer to the question of the gentleman from New York: Suppose he was asked

to give a definition of corn. He would have to know what corn was. Or suppose he was asked to grade apples, he would have to know what apples were.

When we were asked to find out specifically whether these people had been guilty of subversive activities and we found that there was no clear definition of subversive activities, the committee had to get a yardstick by which to proceed. If its procedure has been wrong the House can correct it. Certainly the House did not mean to say that the people who compose this committee must do a piece of work, and that it has failed to put the material or equipment into the hands of the committee to find out the truth. Certainly the House would not want the committee to come back after weeks of hearings and say it could proceed no further because it had no definition of subversive activities, therefore it could not do the work the House asked to be done.

Mr. McMURRAY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield to the gentleman from Wisconsin.

Mr. McMURRAY. I would just like to say to the gentleman that the criticism that I leveled here was at the legislation and not at the committee; it was leveled at the House and I was trying to do something to correct it. It was trying to do something that it has no legal right to do.

The gentlemen of the committee were given an order and they have carried out that order to the best of their ability; that I am willing to grant. Certainly I know the members of that committee are perfectly honorable men and I am willing to grant that the committee has acted in good faith. But this House, and this ought to be made clear, is undertaking to exercise an executive function through a legislative committee. The committee is not at fault. The House is at fault and it ought to be big enough to acknowledge its mistakes.

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, perhaps we ought to clarify the issue this afternoon and determine rather precisely what we are going to do. My good friend, the gentleman from North Carolina [Mr. FOLGER] referred to himself as a juror as he approaches the responsibility of passing upon the fitness of three people now employed in the executive branch of the Government. He is not a juror because this is not a judicial proceeding. Let that be clear. It may be judicial in procedure, insofar as the Kerr committee may have been able to superimpose or abide by rules of evidence, but it is not a judicial proceeding.

Mr. GRAHAM. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. GRAHAM. It is a ministerial function.

Mr. DIRKSEN. It is a ministerial function that was put upon the committee by the Congress.

There has been a great deal of shadow-boxing and rather shallow argument here this afternoon that does not enter into the matter one iota or lay down one case as to whether or not the matter has not been gone into correctly, as, for instance, the case that is made for the necessity for impeaching these people.

Go back and read accurately that provision in the Constitution. It does not become necessary to impeach them. Moreover, go back and read a portion of section 2 of article II of the Constitution, where you will find that the appointive civil officers can be roughly divided as constitutional officers, appointed by the President with the consent and affirmation of the Senate, and statutory officers, or inferior officers who are appointed under a law that is passed by Congress. If we have to have the language exactly, here it is:

whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

These gentlemen have been appointed by heads of departments. It certainly is an ineffective appointing power that cannot reach out and take them back from the pay roll.

But, Mr. Chairman, there is a far more vital issue before us this afternoon, and it is not Goodwin Watson and it is not Frederick Schuman and it is not Dr. Dodd. They are only symbolic of the real issue before us.

The real issue is whether or not this body, that is charged under the Constitution as the keeper of the purse, without whose action not one dollar can go out of the Federal Treasury, can, under that authority, spell out that power to determine who shall be on the pay roll and who shall not.

Let me say to my friends, to the gentleman from Washington [Mr. COFFEE], to the gentleman from Wisconsin [Mr. McMURRAY], to the gentleman from California [Mr. FORD], and the rest: Would they say that if Mr. Earl Browder had been appointed, that the Congress could not take him off the pay roll? What a strange result that would be. Certainly, I, as a Member of the legislative branch, do not propose to go along with that kind of an interpretation of my responsibility as a Member of a coordinate branch of this Government.

I said that the issue before us today is important. All the self-immolation of Dr. Schuman in his humorous criticism of the Kerr committee that was released the other day, all the theatrical display is not going to play down the real issue that is before us, and that is, to select for the articulation of governmental functions men who are going along with the perpetuity of our institutions and the sanctity of the traditions of this country.

Their freedom of speech is not involved. Dr. Dodd can go down on Marshall Square tonight and make any kind of a speech he wants to, but I am not going to see him on the pay roll of the Federal Government, the recipient of the

taxpayers' money, and do it. That is a different thing.

Dr. Schuman can go down and stand beside the equestrian statue of Andrew Jackson in Lafayette Park this evening, make any kind of a subversive speech he desires, and within reason there will be no arrest and no restraining hand, but he is not going to do it in the terms that he has done it under the interdiction and the record that is before us and remain on the pay roll, if my vote can remove him.

Freedom is not involved here. It is a larger question. It is a question of whether or not the legislative branch in exercising its appropriating power is going to determine what people are fit and what people are not fit to discharge the various functions of government. That is it. That is the real issue.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. CELLER. The gentleman apparently sets up two standards, free speech of a person who is not on the pay roll, and free speech of a person who is on the pay roll. Who is going to judge the demarcation, also, between that which is subversive activity, and that which is not? Shall we do it?

Mr. DIRKSEN. This body must do it insofar as it relates to an employee of Government.

Mr. CELLER. Where do we get the authority for it? Where is the authority for it?

Mr. DIRKSEN. This body is chargeable under the Constitution, dealing with powers of Congress out of which spring the executive functions. We can destroy every bureau in the executive branch this afternoon, if we can get the Senate to concur in our action. This is the body that has the great residual force in this country today. This is the important body, without which these others cannot exist and cannot carry on their functions. That is the thing we have to keep in mind.

I want to delineate for you what I think is the importance of this thing. First look at the ramifying functions of government today. It is one of the fruits of the World War, namely, control, regulation, economic dictatorship on every hand. It is one of those inexorable things that flow out of conflict. You cannot help it. We have to go along with that sort of thing when we are in conflict. After a while, those controls, those regulations harden into permanency. So more and more there has been that control, and it has been expanded with the years.

Look at the things that have been added since 1932. Go over in your minds some of the agencies, such as the Bituminous Coal Commission, the Securities and Exchange Commission, the Social Security Administration, the Federal Communications Commission, and others, all of which are exercising regulation and control over the goings and the comings of people, so that today government reaches closely into the life of every man, woman, and child, even now from the

cradle to the grave, long before they ever heard of Sir William Beveridge.

What does it take to express those functions? It takes agencies. Look at the number we have today. Sixty-five years ago we had 7 departments of government and 2 independent agencies. Today we have 10 departments of government with many subordinate bureaus that did not exist before, and we have 80 independent agencies of government.

Think of it in terms of personnel. The documents in the Library will indicate that when this Government was launched back in 1789 we had about 300 people doing all the work; just 300. When we got down to 1861, in the period of the Civil war, we had 49,200. When Abraham Lincoln was the Commander in Chief there were 49,200 civilians on the pay roll of the Federal Government. In 1881 we got up to 107,000. At the peak of the World War we had 917,000. There was a progressive diminution and it got down to 565,000 in 1932, and then it began to go skyward. It is now about 2,666,000.

Think of what that number of personnel, if they are left to their own devices, without direction from Congress, can do. Give me a machine of 2,600,000 who think as I do, who think in this direction or that direction, and I can do much with them. One can do something with that kind of machine, if you give him that many people, and do you not think that you could subvert the Government of the United States?

Miss SUMNER of Illinois. Does the gentleman not think, in view of what he has said, that the Government can get along very nicely without these people and say for reasons of economy and efficiency that we shall refuse to appropriate money for them?

Mr. DIRKSEN. That is right. The first thing I want to spell out is this. The expansion of functions will continue as time goes on, with an increase in the number of agencies, with the vast ramification of personnel that runs into millions, and the fact is that that personnel, whether they be subordinates or administrators, give color, give force, give interpretation, give body, give direction to the things that government does today. A law that is passed by Congress is just as inert, as innocuous as that pair of spectacles, until some virility is forced into that law by a personality in the executive branch. They interpret the law. They make decisions. They exercise authority. Those interpretations may be slanted and oblique to achieve a purpose, namely, a modification of the fundamentals of government. It is the old story of the human equation. The beliefs, the convictions, the mental processes of those who administer, interpret, and enforce the law in terms of administrative orders and decrees can go far toward altering the whole structure of government.

The packers and stockyards case is a case in point where an agency can by administrative decree, implemented by a penalty, say what a business enterprise can do or not do, or what it must do.

The order is made effective and then it becomes necessary for the affected parties to go before the United States Supreme Court as suppliants in order to get justice, in order to get some relief from an administrator, notwithstanding the fact that that kind of interpretation was never the intent, never was the spirit of the Congress when it was placed upon the statute books.

Mrs. LUCE. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Certainly.

Mrs. LUCE. Is there any historical precedent in the long life of this body for the Dies committee or the Kerr committee? Has this ever happened before in our Nation?

Mr. DIRKSEN. We had the McCormack committee before.

Mr. TABER. And also the Fish committee before that.

Mrs. LUCE. I think something new has been put in American life.

Mr. DIRKSEN. The gentlewoman from Connecticut is asking whether there was a committee prior to the Dies committee and the Kerr committee?

Mrs. LUCE. Yes.

Mr. DIRKSEN. There was.

Mrs. LUCE. Doing a like kind of work?

Mr. DIRKSEN. Yes. There was the McCormack committee and before that there was the Fish committee. I think the gentlewoman has in mind whether or not there has been any precedent for the Kerr subcommittee with authority to sit upon these people who have been charged by the Dies committee and then subsequently bring in a resolution to drop them from the pay roll.

Mrs. LUCE. When did the Congress begin to discharge people from the pay roll of the Government?

Mr. DIRKSEN. I think perhaps the first person to be discharged—

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TABER. I yield to the gentleman 5 minutes more. Will the gentleman yield to me there?

Mr. DIRKSEN. Yes.

Mr. TABER. The first one I remember was 21 years ago in the District of Columbia appropriation bill, brought in by the gentleman from Kentucky, Mr. Johnson.

Mrs. LUCE. In the history of our Government?

Mr. TABER. I cannot go beyond that.

Mr. DIRKSEN. I wanted to make it a little more personal by saying that I offered an amendment several years ago for the removal of David Lasser from the pay roll, which was subsequently agreed to by the Senate, and signed by the President.

Mrs. LUCE. Is this a new phenomenon on the part of the American Congress?

Mr. DIRKSEN. I don't think so.

Mrs. LUCE. May I ask for the historical reference?

Mr. DIRKSEN. I am sorry that I do not have that at the moment. I think there are a number of precedents for this kind of action.

Mr. HARE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. DIRKSEN. I must continue for a moment. I want to stress this afternoon the importance of this issue. Because of the number of people on the pay roll, and the number of agencies, and the diversity of the functions, and those functions to be authorized by the Congress, will be interpreted by some personality in the executive branch of Government. That makes those personalities in the executive branch all-important. Will anybody be so bold as to say that if we can make the office, if we can set the salary, if we can determine the classification and every qualification, that the Congress cannot then pass upon the fitness from the standpoint of loyalty or otherwise of any person who is on the public pay roll?

Mr. SADOWSKI. Will the gentleman yield?

Mr. DIRKSEN. I cannot yield just now.

We pass on qualifications of persons in so many other respects. We say if they are beyond a certain age they cannot hold a job. We say if there is a physical disability they cannot have a civil-service rating. We say if they do not pass a prescribed intelligence test they cannot have a rating. There are many qualifications that are made. Shall we, then, not be able to say that we cannot lay down some kind of standard of loyalty and mental direction? I do not know why we have to go into a court of law after letting a subcommittee of our own body examine into the affiliations of a man on the pay roll who, for instance, is preoccupied with an analysis of foreign broadcasting and not be able to say among ourselves by solemn vote that, in our judgment, in the judgment of a majority of this body, we do not believe he is fit to remain on the pay roll, and therefore we take unto ourselves authority to refuse any funds for the position that he holds. It seems to me that that obtains from the very fact that the job exists by virtue of the action of Congress at some time or other in creating the agency and the position where such a person is employed.

Mr. McMURRAY. Will the gentleman yield?

Mr. DIRKSEN. I yield briefly.

Mr. McMURRAY. I should like to say to the gentleman that he is perfectly correct when he says that Congress has authority to lay down general rules applicable to all people employed by the Government that are not laid down specifically in the Constitution. Also it is true that Congress may create or destroy any position that is not created by the Constitution itself. But the Congress may not say, "Mr. A may have this job and Mr. B may not have this job." There is a very clear distinction there. Congress does not have that authority. It is an Executive function, given by the Constitution to the President of the United States.

Mr. DIRKSEN. I will say to the gentleman that is not a substantial deduction in seeking to delineate the demarcation between the two branches of government. If the Congress can say

that the United States Civil Service Commission shall have authority to make all necessary rules and regulations to put a man in a job or take him out, then the Congress can also say, "The United States Civil Service Commission shall follow the following rules and regulations made by this Congress in qualifying a man, first of all to go on the pay roll and, secondly, to remain on the pay roll after he gets there."

We can delegate a rule-making power or we can spell out in detail the question of fitness for office.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. TABER. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. DIRKSEN. I shall want to allude to only one more thing. We are gradually getting to the fruition of an issue that has been growing for a long time, the issue between the bureaus that seek to branch out beyond the intent of Congress, on the one hand, and the Congress on the other hand in the determination of the policies of government.

It is significant that we see so many bureaus that never have any difficulty. Here is the Federal Deposit Insurance Corporation, under Mr. Crowley; here is the Veterans' Administration, under General Hines; here is the Federal Trade Commission and the Interstate Commerce Commission; here are a great many agencies in Government who carefully go about their business as set down by the legislative branch, and there is never any controversy.

But is it not significant that our controversy is almost always with the same agencies, such as the Farm Security Administration, the National Labor Relations Board, the Wage and Hour Administration, the A. A. A. on occasions, and some others, but almost invariably those agencies where they seek to spin out and spell out power that is not theirs. The latest instance of it, of course, was the Secretary of Agriculture, who went back to the act of 1938, and then came before us with a long opinion by his solicitor to the effect that in that act that was passed 5 years ago they found all the necessary authority for incentive payments. I never saw such a twisted and tortured interpretation of an act in a long time. That is the difficulty. That is the thing that must be disciplined. When these instrumentalities, these people, these administrators, and their subordinates undertake to go too far, or affiliate themselves with organizations that, by force and violence, or by other means, seek ultimately to destroy the Government of the United States, or are subversive, because they seek to give it an altogether different direction, then it is high time that the Congress of the United States step in.

I say this is a great issue. Either we are going to do this job and do it pretty soon or there is going to be a development of a great and entrenched disrespect for this body.

Not so long ago there came to my desk this pamphlet of about 20 pages in length. It is from the Allowance and Allotment Section, Finance Division, of

the War Department. I suppose the youngsters got it out, but let me read to you from page 8. This is under the heading "Fun after hours":

Meetings of the House and Senate are still the best shows in Washington. The seats are not as comfortable as some, but to any person with a spark of imagination the sight and sound of the country's legislators in one chamber is exciting enough to make up for the lack of a Mickey Mouse. See your Congressman and Senator, more probably their secretaries, for tickets to the galleries of both Houses.

Sight and sound. The best show in Washington. Great dignity to that, is there not? Great respect on the part of those on the pay roll.

You had better meet the issue now, because bureaucracy will grow to a point where it will lick you if you do not.

Consider the power of Federal personnel to manage public opinion. The Budget Bureau's report presented to the House Appropriations Committee 2 years ago indicated that 153 agencies of Government had a pay roll consisting of 2,995 full-time employees and 31,618 part-time employees on informational work alone at an annual cost of \$27,700,000. In a single year these agencies issued 300,000,000 assorted publications of which 283,000,000 were not required by law. There you have evidence of how public opinion can be managed by the Federal Government personnel through the printed word.

In addition to this consider the control of the Federal Communications Commission over radio licenses and the authority of the Postmaster General to exclude from the mails publications which he deems to be unfit or for any other reason.

In addition to the expanding functions of Government, the growth of Federal agencies, the vast increase in Federal personnel, and the potential power to completely manage public opinion, consider the force of administrative decisions which are made by administrators throughout the Federal structure. Farmers can be penalized for failure to comply with 3-A regulations and every citizen is warned on the very ration book which he carries that a \$10,000 fine and imprisonment might be imposed.

The War Production Board with control over material can suggest penalties for violation of its regulations. The War Labor Board can enjoin upon an industry the so-called maintenance of membership clause under which an individual worker automatically loses his job unless he complies and joins the unit which has been selected for bargaining purposes. The War Manpower Commission is entrusted with a task of classifying industry and of enforcing its decrees.

Much of this administrative authority is not reviewable by the courts and every Member of Congress knows the heroic and unsuccessful effort which has been made to secure the enactment of the Walter-Logan bill under which Federal courts could review administrative decisions. In a sense we are not so far from that day when a New Jersey pants presser and a York battery manufacturer were punished for violations of the N. R. A. administrative code.

In addition, the essential point about the exercise of administrative power is that it is good or bad in proportions as the administrator, his advisers, and his policy-making subordinates and others interpret and influence administrative decisions. As I pointed out a few moments ago, many agencies of Government like the F. D. I. C., the I. C. C., the F. T. C., the R. F. C., the Veterans' Administration, and others never seem to have any difficulty whereas the F. C. C., the N. L. R. B., O. P. A., O. W. I., O. C. D., F. S. A., and others develop friction with the Congress and with the people.

An administrative decision is, therefore, effected and acceptable in proportion as it is wisely administered in accordance with the Constitution, the statutes and the intent of Congress. The basic truth, therefore, is its personnel that makes government, gives it direction, that subverts government and when such personnel follows a strange ideology which is un-American, which is not in accord with the Constitution, the statute, the intent of Congress, and the traditions of this country, who will say that it is not the responsibility of Congress to remove such a person from the Federal rolls.

No officeholder has a vested interest in a Federal position. In a case of those enumerated in the Constitution, they must be confirmed by one branch of the Congress and provision is made for their removal. That same Constitution also clarifies the method of appointment and vests the power to appoint inferior officers in the President, in the courts, or in the heads of departments. They are, therefore, amenable to the jurisdiction of Congress since those who are before us now are statutory officers.

If we can prescribe the standards of age, intelligence, social behavior, and physical condition by which a person finds his way upon the Federal rolls, certainly Congress possesses the power to pass upon the beliefs and convictions of an individual in determining his fitness to carry out duties, functions, and responsibilities which came into being as a result of Congressional enactment. It would be strange, indeed, if we could prevent a person from becoming a Federal employee or remove him if he did become a Federal employee for reasons of physical disability, and not be able to keep him off of the Federal pay roll or to remove him if he were already on the Federal pay roll because of some strange quirk in his convictions, beliefs, or mental processes. This does not impair his freedom of speech or belief whatsoever, for he is entirely free to advance his gospel and his convictions wheresoever he will. It is only that the Congress determines that he shall not remain on the pay roll because he is deemed unfit in view of his beliefs to translate the responsibilities which have been entrusted to him as a result of congressional enactment.

Let me emphasize once more that it is not a judicial proceeding and need not be. The Bill of Rights is not involved, nor is the question of due process of law involved.

Let me make one further observation with respect to the responsibility of Congress in the exercise of this power over Federal personnel. As I have suggested before, not a single dollar can be appropriated save in pursuance of an act by the Congress. It is the people's money. Congress has the right and the duty to determine how and for whom the people's funds shall be expended and no one will argue that the people of this country intend that their funds shall be expended for the salary of any person whose beliefs and convictions as evidenced by his own statements are not in accord with the spirit, the traditions, the laws, and the Congress of this Republic.

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, if I appear to lack my usual vehemence of utterance this afternoon it will not be because I have any lack of confidence in the position that has been taken either by the Congress or the Kerr committee. The fact is I have not been well for several days and I do not want to become the victim of any undue excitement; but there is not anything about this that should excite anybody, is there?

I have sat here and listened to the statements from the gentlemen who usually have been making the same statements ever since I have been in Congress. They seek in every way possible to find an alibi, to find an alibi some place, no matter how ridiculous it may be, in order to justify the action which they are bound and determined to take with respect to the present amendment.

Mr. WOODRUM of Virginia. Mr. Chairman, will the gentleman yield briefly?

Mr. KEEFE. I yield.

Mr. WOODRUM of Virginia. The gentleman has referred to some of these positions as being somewhat ridiculous. This may be a little extreme in referring to utterances of our colleagues, but it is rather paradoxical to hear these eloquent speeches made defending these gentlemen on constitutional grounds, invoking the great Constitution of the United States to protect people who have no respect whatsoever for that Constitution, who by their associations and utterances show they have no respect for it and who are doing everything they can short of getting in jail to break it down.

Mr. KEEFE. First of all let me say that I did not solicit the position on this committee. I was placed on the committee and would much have preferred not to serve, but I am going to tell you right now that I consider this work important enough that I am going to stay on that committee and see this job through. The people of the United States of America insist that this job be done.

It is going to be done and we are not going to be dissuaded by a lot of academic arguments that have been concocted such as those that have been heard here this afternoon raising constitutional and other questions in order to obstruct the attitude and work of the Kerr committee. I did not hear any of these gentlemen who got up on the floor of this

House today raise a single one of those questions when the resolution creating this committee was before the House. I recall that I was one of the individuals who took the floor of this House and asked that there be a committee established, or a forum established, before which these men who have been accused of subversive activities would have a right and an opportunity to come and present their opinions and their defense to those charges. It was because of that attitude that the Congress created this committee and gave it a job to do. You said, "Go out and do this job." We have tried to comply with your directions.

How many of you have read the testimony of Goodwin Watson? Not one of you except the members of this committee. You will be given some of that testimony before this argument is over.

Mr. CELLER. Where is the testimony?

Mr. KEEFE. Mr. Chairman, I decline to yield to the gentleman. He knows the rules of the House.

The CHAIRMAN. The gentleman from Wisconsin declines to yield.

Mr. COLMER. Mr. Chairman, will the gentleman yield briefly?

Mr. KEEFE. I cannot yield at this time. I stated that I declined to yield.

You have heard that this was a star chamber session; you have heard all sorts of similar accusations, how these people have been denied their constitutional rights, and all that sort of thing. Let me read just a couple of sentences from the testimony of Goodwin Watson. I am going to take up his testimony in detail tomorrow. Let us see what Goodwin Watson told the committee as compared with what he is telling the public today; let us see whether he spoke before us as some of you who are speaking in his behalf are speaking on the floor of the House this afternoon. I asked him this question:

Professor Watson, there has been some criticism leveled at the committee because of making some charges against you. Now, if you were on such a committee as a Member of Congress and had submitted to you your writings standing alone as they are advocating clearly and definitely the destruction of the profit system and the abolition of the capitalistic state and the substitution of a planned economy in its place, would not you feel that a Congress having the interests and welfare of the American way at heart should be justified in calling such a person to account?

Dr. WATSON. Yes; I would.

Representative KEEFE. Now, you feel, do you not, in view of your own statement admitting these writings and statements and admitting your present attitude, your complete error and renunciation of the philosophy which you expressed repeatedly down to 1937 and 1938, that they, standing alone, would be sufficient to put any government on notice and demand some investigation of that; would you not think so?

Dr. WATSON. I would think so.

At the conclusion of the hearing here is what Dr. Watson said:

I thank you gentlemen of the subcommittee. I think this has been a very real endeavor to have a meeting of minds on a very difficult problem.

Does that sound as though Dr. Watson was subjected to third-degree star-

chamber proceedings? Does it not make it clear to you gentlemen as I shall make it clear before I shall have finished some time tomorrow when this amendment is offered, that Dr. Watson himself well knew that because of his own statements, his own advocacy, his own writings, that the Congress and this committee was fully justified in bringing about this investigation.

Some of you gentlemen have said these men are being persecuted because they have opinions different from those of the majority. Is that true? Let me say, Mr. Chairman, that I profess to be a constitutionalist. I will defend any place the right of my colleagues, Dr. Watson, or anybody else to assert an opinion different from my own. Make no mistake about that. I will defend the right of Dr. Watson to advocate the abolition of the profit system if he so desires. I will defend his right to advocate in the proper place the abolition of the capitalistic state if he so desires. But let me tell you where I draw the line and where you ought to draw the line. When Dr. Watson and men of his type are unwilling to wait for constitutional processes to take place to bring about the changes they advocate, but who advocate revolution, or as they are pleased to call it, "a sharp break," then Dr. Watson and I part company and I say to Dr. Watson, "When you advocate this revolutionary process, and when you advocate this so-called sharp break, as you are pleased to call it, then you are not willing to submit to constitutional processes; you want to short-cut them as your friends over in Russia did, through revolution, and you and I are going to part company there." Do you take issue with me?

Mr. McMURRAY. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I do not yield. I do not think the gentleman can add anything to the discussion at this time.

I want to say to you that I have listened to a great many of these professorial intelligentsias and so far as I am concerned, if there are any on the floor here today I suggest that they speak in their own time.

Mr. Chairman, I just want to call attention to one or two things. I will try to give you the whole story tomorrow. This committee listened to the evidence, as you asked them to do. This committee heard from the lips of each of these witnesses their own story and their own explanation. As I stated, I will be glad to yield tomorrow when I go into the evidence. At this time, however, I want to call attention to just one bit of evidence.

Here is an article written by Goodwin Watson entitled "The Great Choice, Reformation or Transformation." Take that article and read it. It is written by Goodwin Watson, by no one else. It is his statement as to what he then believed in 1934. And let me tell you this, there are two lines of thought as expressed by these gentlemen. One is that you can accomplish a social objective by a process of gradualism. That is the New Deal way as he describes it. You can change our social economy step by step. He points with sorrow to the fact that the Socialists over in Austria tried it. He

said those Socialists in Austria did the things that F. D. R. talks about in the New Deal. Then he went over there after the revolution in Austria, and he saw everything all changed. He saw how those Socialists there in Austria who had planned housing and who had planned all these betterments of mankind had been crushed by the Fascists at the point of a sword. All gone now, he says. He painted a terrible picture. He said those people felt that they could accomplish those social objectives and retain them by a process of gradualism, and they failed. Then he goes on in this article, and it is here, and states:

But you never can hope to achieve a real social objective and a real social change in behalf of all the people without—what he calls sharp break—cutting it right off, destroying it overnight.

That is Goodwin Watson speaking, not me. There is his article.

Let me read further:

There are four major lines of argument—humanitarian, psychological, economic, and political. Each of them leads to the conclusion that the apparent attractiveness of gradualism is fallacious, that only the sharp break brings promise of success.

Read his article. Now, when he is asked about this thing, what does he say? What is his answer?

"Why," he says, "I just do not believe in that any more. That was the effusion of an academic mind written in 1934."

A Ph. D. from Columbia University, a doctor of philosophy, if you please, a teacher of psychology in Columbia University at the time, and he says that it was an academic effusion of an immature mind. He says, "I do not any longer believe in it. I disavow myself of that sort of philosophy."

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. KEEFE. Mr. Chairman, I could take you down through many more here. There is New America, for instance, which he conceived after he came back from Europe, after he visited over there. He set up this plan to make over America. It is all here. I confronted him with it.

I asked him, "What did you mean by this, Dr. Watson?" He says, "I disavow that now, I repudiate that now, I do not believe in that now." "How do I know that you have repudiated it?" "Have you ever written an article repudiating anything that you ever said from 1932 down to 1938? Have you ever made a speech that has been given publicity in the press showing that that is no longer your position or attitude?"

"No, I did not think it was necessary."

He belonged to some organizations, and had been having contact and affiliation with others. He is following this party line right down until 1941 and yet he thinks that we are so naive as to believe in the face of those statements, which I will read and present to you tomorrow from the hearings on this situation, that Dr. Watson has been unjustly accused.

Why, he brings in a whole line-up of people who say he is a great man, and a fine citizen.

Mr. WOODRUM of Virginia. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Virginia.

Mr. WOODRUM of Virginia. Will the gentleman state what position Dr. Watson is holding?

Mr. KEEFE. Dr. Watson is Chief of the Analysis Division in the Foreign Broadcast Intelligence Service of the Federal Communications Commission. He analyzes and writes the broadcasts coming from foreign countries and interprets them for our Army and Navy, and so on. That is his job.

Let me tell you this story. You hear about these people coming to his defense as they have. You have received his letter listing a whole list of people who say he is a great American, and so forth. I had some of those come into my office the other day. I finally asked them:

"Do any of you people by any chance happen to know a certain professor at the University of Wisconsin, whom I named? He has been there for many years, an outstanding man."

One of them spoke up and said, "Yes, I know him." I said, "What is your estimate of him? If you were asked to write a recommendation now, what would be your estimate of that professor?" He said, "He is an estimable gentleman. Why, he has a fine, Christian character, he has been there for 25 years, he is one of the leading citizens of Madison, Wis." And I said, "You would be willing to dictate such a recommendation to my stenographer now?" "Yes, without question." Then I said, "You would be interested in this," and I showed him a very recent report and clipping from the Milwaukee Journal showing that the police of Milwaukee, in making a routine inspection of one of the hotels, found this professor in a room with a 19-year-old-blond student. He came into court the next morning and plead guilty to a minor charge of lewd and lascivious conduct.

What becomes of your recommendation? You just do not know the facts. You do not know the facts, and if you did know the facts you would not make that kind of recommendation. So, Mr. Chairman, I say to these people who come in on the floor of this House this afternoon and expostulate their beliefs in the innocence of this man or that man, contending they have not had a fair trial or a fair hearing, let me point out to them that they just simply do not know the facts; they do not know what these people have been thinking or they do not know what they have been doing, or what their associations have been. Before we get through, unfortunately, it will be our duty to tell you something about them.

Mr. McMURRAY. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. Let me say to the gentleman that I have refused time and time again to yield.

The CHAIRMAN. The gentleman refuses to yield.

Mr. McMURRAY. Is it because you are afraid?

Mr. KEEFE. There is nothing about the gentleman or the facts that makes me afraid. I am quite familiar with him and I want no further interruption from him. And let that go into the RECORD, too. I do not like to say that to a colleague from my State, but I know his attitudes and background and I make no bones about that.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I do not.

The CHAIRMAN. The gentleman refuses to yield.

Mr. KEEFE. I just want to say this in conclusion. Do not get the idea that the Kerr committee is proceeding through prejudice in this matter. Remember this, that that committee is composed of three fine gentlemen from your side, the gentleman from North Carolina, Judge KERR, the gentleman from Tennessee [Mr. GORE], and the gentleman from New Mexico [Mr. ANDERSON]; and the gentleman from New Jersey [Mr. POWERS], and myself.

Every action that this committee has taken up to date has been a judicial action, despite the manner in which we have been picked to pieces by those who do not like the committee's action.

The action of the committee has been unanimous in every single instance that we are presenting to the membership of this House.

In creating this committee you told this committee what you wanted us to do. We have tried to act in a judicial manner in doing the very thing that you asked us to do.

Some of you are here criticizing the committee because it has finally been forced to the conclusion reflected in the amendment to be offered to the pending bill. May I say to you that no other reasonable alternative was possible in the face of the facts presented.

Now listen to this evidence. Do we need any further evidence than the word of the man himself?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I cannot yield.

What could be accomplished by bringing in every Tom, Dick, and Harry and letting him testify. I will submit the record tomorrow of the charges.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield the remainder of my time to the gentleman from Alabama [Mr. STARNES].

Mr. STARNES of Alabama. Mr. Chairman, we are confronted with an unusual situation. A distinguished and responsible Member of this House, made statements on the floor in the early part of this year on his own personal responsibility, to the effect he had evidence that a number of people had been employed by the executive branch of the Government whose associations and affiliations with individual, groups, and or-

ganizations in the past led him to believe they were unfit for public office.

In the subsequent debates on the floor charges and countercharges were made. In order to handle these charges the House set up the so-called Kerr committee to investigate and report their findings to the House. It is not historically correct to state that the so-called Dies committee, as a committee, made those charges. The record will disclose that the gentleman from Texas [Mr. Dies], on his own responsibility as a Member of this House, made the statements and the charges. As a result the Kerr committee has made a careful and complete investigation of the life and background of a number of these employees. They have the files of the civil service, the F. B. I., and the Dies committee before them. They have called the accused, presented them with the charges and evidence. Furthermore they have given the accused a fair and complete opportunity to meet every charge. As a result, we have their findings and recommendations.

Undoubtedly the Congress has the legal right and power to create agencies, prescribe the qualifications and duties of Government personnel, and to provide means for their appointment and discharge. It further has the constitutional right to appropriate or to withhold appropriations for the support of any agency or employee of the Federal Government. It has the right and power to abolish any agency which it creates; to change the qualifications and duties of officials from that first prescribed; or to remove them from office, by withholding funds for the payment of salaries or compensation. To hold otherwise would be a confession or admission the Congress could create and support agencies and provide funds for employment of personnel but would have no recourse for the abuse of power or subversion of functions by agencies and personnel. This would leave the people helpless and with no recourse for redress of wrongs except by force or illegal methods.

Under such a theory as advocated by self-annointed liberals and self-confessed intellectuals the executive branch of the Government would be immune from control or regulation by the people. Administrative officials appointed by the Executive could violate legislative intent, subvert governmental functions, and change our whole system of economies, and government without let or hindrance by the legislative branch.

I will say to the alluring and attractive gentlewoman from Connecticut, in reply to her question to the able gentleman from Illinois [Mr. DIRKSEN], if the action of the House in this instance was without precedent and constituted a phenomenon in public affairs the phenomenon we are witnessing for the first time is Socialists, Communists, and their followers and defenders, aided and abetted by self-annointed liberals and intellectuals, insisting that Socialists, Communists, and any person who does not believe in our system of government, have a vested interest in appointive public office and can use that office to change our social, economic, and political system without let or hindrance from the

Congress of the United States. It is both amusing and distressing to hear Members of Congress, the press, and the executive branch defend the rights of these appointive officials, who have been declared unfit to continue in public office because of their affiliations, associations, or membership in subversive organizations to remain in public office, because forsooth they say the Congress has no right to remove them.

There is no question of a lack of freedom of speech involved. The question involved is whether or not appointive Federal officials, who by their past affiliations, associations, or membership in subversive organizations should be retained as officials of a government they do not support, and in whose principles they do not believe. No person should be employed by our Government to administer its laws or to carry out its functions in war or peace who does not wholeheartedly subscribe to our way of life and our system of constitutional representative government. No appointive official has a vested property right in his position and when found to be unfit should be immediately removed by the proper appointing officer. Failing to do so the Congress is in good conscience duty bound to act for the protection of our Government and our people by removing such person.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(Mr. STARNES of Alabama asked and was given permission to revise and extend his remarks in the RECORD.)

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

EMERGENCY FUND FOR THE PRESIDENT

The appropriation "Emergency fund for the President," contained in the First Supplemental National Defense Appropriation Act, 1943, as supplemented by the Second Supplemental National Defense Appropriation Act, 1943, is hereby continued available until June 30, 1944, and the limitation on the amount which may be expended for objects of a confidential nature is hereby increased by \$25,000,000.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 2, after line 25, insert the following:

"Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for the National Resources Planning Board or the Farm Security Administration or for any of the functions of either said Board or said Administration."

Mr. TABER. Mr. Chairman, the emergency fund for the President was created for the purpose of furthering war activities. That is what we had in mind in the House of Representatives when we created that fund. All of us want to further the war activities to the utmost. Therefore, I am assuming that there will be no objection to continuing this fund insofar as it relates to anything of that kind.

However, many allotments have been made out of the President's fund for other purposes than the promotion of war activities. It is my desire to see that two of these activities for which the

House has refused funds are not in a position where they can be carried on out of the President's emergency fund.

The National Resources Planning Board was given a Budget estimate by the President. They came before the Independent Offices Subcommittee and were given a hearing. They were refused the recommendation for an appropriation. When the bill came before the House of Representatives, no one stood up and offered an amendment to restore that activity to the independent offices appropriations bill.

The Farm Security Administration was denied an appropriation in the agriculture appropriation bill by the agriculture subcommittee. It was given no appropriation by the House of Representatives.

I hope this amendment will be adopted so that we can confine this activity to the things which will promote the war effort, and that the money that is left, about \$89,000,000 at the present time, can be available for the war activities as it is needed. I hope this amendment will be adopted. I had hoped that the committee might accept it.

Mr. CANNON of Missouri. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the question raised by the gentleman's amendment is not one which goes to the merits of an appropriation for the Planning Commission or an appropriation for the Farm Security Administration. It is a deeper, more vital, more serious question than that. The House has denied under points of order appropriations for both activities. It has denied in the appropriation bills which it has sent to the Senate funds for the Planning Commission and funds for the Farm Security Administration. Those appropriations may or may not be included in the bill when it reaches the Senate.

The real question raised here this afternoon by the gentleman's amendment is a question of the confidence of this body and of the American people in the Commander in Chief of the Army and Navy. This is the emergency fund for the President and the sum affected by the amendment is to be used by the President for confidential purposes. The adoption of the amendment would not be construed as a decision adverse to the Planning Commission or to the Farm Security Administration, but as a reflection on the President through imposition of a limitation never before applied to any President in time of war. The only interpretation that would be placed on the adoption of such an amendment by the press and the people of the country would be that an unjustifiable restriction had been imposed. The question before us is whether the Members of the House of Representatives, in time of war, in a period of great national peril, at a time when all loyal citizens and all Members of the American Congress on both sides of the aisle in particular, are supporting American arms, are supporting the Army and Navy, and especially the Commander in Chief of the armed forces of the United States. It will not materially affect these two minor activities, but it will be interpreted both here

and abroad, both by our allies and by the Axis, as a lack of confidence in the President and the splendid leadership with which he is winning the war and which entitles him to the gratitude of every American. I do not believe this body will be disposed to adopt such an amendment.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not a little intrigued by the argument of my good friend from Missouri, for whom I entertain a real affection, when he says that the adoption of this amendment might be a confession of lack of faith in the Commander in Chief. In the first place, it has nothing to do with the war effort in that sense. It seeks only to restrict the use of emergency funds for the Farm Security Administration and the National Resources Planning Board.

I think we do the President a service by adopting this amendment. He may not have in mind wanting to provide any emergency funds for these functions, but when they come to the White House and exercise gentle pressure on him, too often he cannot very well say "No." We simply hold up his hands and give him an opportunity to say, "I am sorry, but I can give you no funds for that purpose out of the emergency fund because Congress has restricted their use."

We must draw the line somewhere. Maybe you have been curious as to the size of the blank checks we have given the President from time to time. We have given him altogether, since July 11, 1940, \$631,000,000. That is a blank check. That is a lot of money, if he could dispose of it in any way he saw fit.

I recognize that the President must have some funds for confidential and strictly emergent purposes. There is an item here of \$10,500,000 for confidential purposes for the State Department. I would not care to go in and probe and explore to find out precisely what he is going to do with it, and probably lay out some restrictions that would impede the war effort. He must have some latitude. But there are a great many things on the domestic front that are not emergent in nature, and there is no reason why the Congress should be bypassed.

You will find some of these recited on page 70. Take the travel expenses for the Civil Service Commission, for example. Congress is in session all the time. The Committee on Appropriations is constantly dealing with deficiencies and supplementals. It does not take very long to come up here and say, "Gentlemen, we need \$400,000 for travel," and it does not take Congress very long to act on such a request. But every time an allocation is made for anything other than a really emergent or confidential purpose out of the emergency fund, it is bypassing the appropriating power of the Congress.

There is still \$89,000,000 remaining in that fund. I am not disposed to cut it. I am not disposed to hamstring the President in his confidential operations as Commander in Chief. But I do believe with respect to these two functions, the Farm Security Administration and the National Resources Planning Board,

which have felt the interdiction of this House by a solemn vote, that while the bill is now pending in the Senate it should not be possible to go around the Committee on Appropriations and the Congress of the United States by dipping into a blank-check fund. For that reason, the amendment offered by the gentleman from New York should be adopted.

Mr. CASE. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. CASE. As a matter of fact, on page 13 of this bill Congress has made an appropriation of funds for the National Resources Planning Board, showing that they have been able to come to the deficiency committee and get funds for this year.

Mr. DIRKSEN. Exactly; but for the current year of 1943, to carry on and close up their work. Why, then, should not this restriction be placed in the bill?

Mr. VORYS of Ohio. For these two secret funds, of course, there is no evidence in the hearings. Has there been testimony before the Committee on Appropriations justifying these funds, giving some idea as to the necessity for such large amounts?

Mr. DIRKSEN. The House has passed on both of these items, and they have been reported out by the committee. I refer to the funds of the National Resources and Planning Board, under the committee arrangement, and limiting or diminishing the funds for the Farm Security Administration.

Mr. VORYS of Ohio. What I mean is as to the rest of the money, the \$25,000,000 and the \$10,000,000 for the State Department. As to this \$25,000,000, has there been some justification for its expenditure?

Mr. DIRKSEN. I am not a member of this deficiency subcommittee, but I am sure there was some justification.

Mr. TABER. I would say that there was a reason why it should be done.

Mr. DIRKSEN. This amendment should be adopted, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. CANNON of Missouri) there were—ayes 111, noes 68.

Mr. CANNON of Missouri. Mr. Chairman, I demand tellers, and move that the Committee do now rise.

The CHAIRMAN. The gentleman from Missouri demands tellers, and the question before the House is, Shall the Committee rise?

The question was taken; and on a division (demanded by Mr. CANNON of Missouri) there were—ayes 71, noes 109.

Mr. CANNON of Missouri. Mr. Chairman, on that I demand tellers.

Mr. TABER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. The vote now is on the question as to whether or not the Committee will rise?

The CHAIRMAN. The gentleman is correct. Tellers are demanded.

Tellers were ordered, and the Chair appointed Mr. CANNON of Missouri and Mr. TABER to act as tellers.

The Committee again divided; and the tellers reported—ayes 93, noes 124.

So the motion to rise was rejected.

The CHAIRMAN. The question now is on ordering tellers on the Taber amendment.

Tellers were ordered, and the Chair appointed Mr. TABER and Mr. CANNON of Missouri to act as tellers.

The Committee again divided; and the tellers reported—ayes 133, noes 104.

So the amendment was agreed to.

The Clerk read as follows:

GOVERNMENT IN THE TERRITORIES

Defraying deficits in treasuries of municipal governments, Virgin Islands: For an additional amount, fiscal year 1943, for defraying the deficit in the treasury of the municipal government of St. Croix because of the excess of current expenses over current revenues for the fiscal year 1943, \$45,000.

Mr. PACE. Mr. Chairman, I make the point of order against the item just read. It is an appropriation not authorized by law and legislation on an appropriation bill.

Mr. CANNON of Missouri. Mr. Chairman, will the gentleman reserve his point of order?

Mr. PACE. I reserve the point of order.

Mr. CANNON of Missouri. Mr. Chairman, the additional sum of \$45,000 is required to meet the deficit in the treasury of the municipality of St. Croix, Virgin Islands, for the fiscal year 1943. This amount is in addition to the sum of \$114,800 already appropriated for this purpose. The reason for the increase in the deficit is due, primarily, to the effect of the war on local revenues. In other words, the war has resulted in substantial reductions in income from such sources as the gasoline tax, the import and export duty, wharfage, excise duty, internal revenues, and so forth. Here is a list of these items indicating that the estimated income for 1943 is about \$51,000 less than the actual income for 1942:

Defraying deficits in treasuries of municipal governments, Virgin Islands, 1943

Sources of revenues	Actual, 1941-42	Fiscal year 1943 as revised, Feb. 1, 1943, based on actual receipts as of that period	Difference
Real property tax.....	\$50,200	\$50,000	\$200
Income tax.....	30,400	30,000	400
Automobile tax.....	7,700	6,500	1,200
Gasoline tax.....	10,300	6,000	4,300
Import duty.....	5,600	2,500	3,100
Export duty.....	18,000	3,500	14,500
Ship dues.....	2,400	600	1,800
Wharfage.....	3,900	1,200	2,700
Stamp dues.....	2,500	1,500	1,000
Vendue fees.....	45	100	+55
Tax on inheritance.....	600	300	300
Court fees.....	5,100	3,500	1,600
Fees from burglar briefs.....	5,500	4,000	1,500
Excise duty.....	15,500	13,000	2,500
Internal revenues.....	17,500	10,000	7,500
Sundry revenues.....	18,600	16,000	2,600
Total.....	196,845	148,700	48,145
Expenditures.....	311,845	314,700	2,855
Deficit.....	115,000	166,000	51,000
United States contribution.....	115,000	114,800	200
		51,200	51,200

So, as will be seen, the Federal Government is, in a sense, responsible for this deficiency.

I am advised that every effort has been made to economize and that the rates of pay of municipal employees are at the minimum. The municipality at the present time is operating on funds obtained on loans from local banks with municipal buildings used as collateral. It is absolutely necessary to maintain the local government and to have these funds made available as soon as possible.

The appropriation is subject to a point of order, but this money should be made available at the earliest possible moment. If the point of order is made, and is sustained, the item will be put back in the Senate and the money will be appropriated eventually. The only effect the point of order can have would be to delay it, when it is needed immediately. In view of the serious effect the lack of this appropriation will have, I ask the gentleman from Georgia to withdraw his point of order.

Mr. PACE. Mr. Chairman, replying to the chairman of the committee, the only reason I made the point of order is due to the evidence disclosed in the hearings.

It appears that the municipal authorities of St. Croix have a right to fix their own budget. The only thing we have a right to do is to appropriate the deficit. We have no voice over the expenditure of their funds, how much their salary schedule should be, and so forth. This has been going on for years, since 1927. Mr. Thoron, of the Department, makes this statement:

I have had considerable correspondence with the officials down there to convince them that a deficit was not something that they should expect to have made good, and that they should cut out some of their expenditures.

We have already appropriated for the municipality of St. Croix, in the regular appropriation bill, a deficit of \$143,000. Now they come back for another deficit of \$45,000 out of a total budget of \$300,000.

There are many municipalities in this Nation that would welcome the Federal authorities appropriating their deficit. I see no reason why we should continue to pour money into the Virgin Islands, which has a population of only 25,000 people.

I regret I cannot yield to the request of the chairman, and I insist on the point of order. If these requests are to be made in the future the Department should go to the proper legislative committee and seek appropriate legislation authorizing these deficit appropriations and the terms and conditions under which they may be made.

The CHAIRMAN (Mr. PATMAN). The point of order is sustained.

The Clerk read as follows:

SEC. 303. Appropriations contained herein may be used to reimburse the Emergency Fund for the President for advances made therefrom to meet pay-roll obligations for which funds are provided in this act.

Mr. KERR. Mr. Chairman, by direction of the Committee on Appropriations, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. KERR: On page 36, after line 23, insert as a new section the following:

"Sec. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this act, or (2) which is now, or which is hereafter made, available under or pursuant to any other act, to any department, agency, or instrumentality of the United States, shall be used to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Jr., and Robert Morris Lovett: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to the date of the enactment of this act."

Mr. MARCANTONIO. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. MARCANTONIO. I make a point of order against the language in line 3 of the amendment just offered, as follows:

Which is now, or which is hereafter made, available under or pursuant to any other act, to any department, agency, or instrumentality of the United States—

And so forth. This amendment seeks to limit an appropriation in some other appropriation bill. It goes beyond this bill.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. CANNON of Missouri. Mr. Chairman, this amendment is made in order by House Resolution 105, authorizing the investigation, providing—as shown on page 2 of the report, House Report No. 448—as follows:

Any legislation approved by the committee as a result of this resolution may be incorporated in any general or special appropriation measure emanating from such committee or may be offered as a committee amendment to any such measure notwithstanding the provisions of clause 2 of rule XXI.

Under that provision, the amendment is in order.

Mr. MARCANTONIO. May I say in reply, Mr. Chairman, that would be true if the amendment offered were limited to this appropriation, but the amendment offered extends to appropriations not made by this bill.

The CHAIRMAN (Mr. PATMAN). The language appears to be rather plain and specific to the Chair, "any legislation approved by the Committee as a result of this resolution may be incorporated in any general or special appropriation measure."

Therefore the point of order is overruled.

Mr. CANNON of Missouri. Mr. Chairman, it is my understanding that under the order of the House, 2 hours' general debate—to be equally divided and controlled by the gentleman from New York [Mr. TABER] and myself—is now in order on this amendment, at the close of which 2 hours the final vote shall be taken on the amendment and all amendments thereto?

The CHAIRMAN. The gentleman has correctly stated the unanimous-consent request.

Mr. CANNON of Missouri. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PATMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 2714, the urgent deficiency appropriation bill, had come to no resolution thereon.

CIVIL FUNCTIONS WAR DEPARTMENT APPROPRIATION BILL, 1944, SENT TO CONFERENCE

Mr. STARNES of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2346) making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. SNYDER, STARNES of Alabama, KERR, MAHON, POWERS, ENGEL, and CASE.

EXTENSION OF REMARKS

Mr. DIRKSEN, Mr. REED of New York, Mr. BENNETT of Missouri, and Mr. KEEFE asked and were given permission to revise and extend their own remarks.

Mr. BUSBEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein excerpts from a bulletin entitled "News and Views."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. SADOWSKI. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on two subjects and to include in one an article on transportation and in the other an article on labor statesmanship.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an editorial from the Sarasota Herald-Tribune.

The SPEAKER. Is there objection?

There was no objection.

[The matter referred to appears in the Appendix.]

ORDER OF BUSINESS FOR TUESDAY, MAY 18, 1943

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I take this opportunity to inquire of the majority leader as to the program for tomorrow.

Mr. McCORMACK. The first order of business tomorrow will be the sending of the tax bill to conference.

Mr. MARTIN of Massachusetts. And that will be followed by further consideration of the deficiency bill we have been working on today?

Mr. McCORMACK. The gentleman is correct.

Mr. MARTIN of Massachusetts. I thank the gentleman.

EXTENSION OF REMARKS

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein a brief pamphlet.

The SPEAKER. Is there objection?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. COFFEE. Mr. Speaker, I ask unanimous consent to extend and revise the remarks I made in the Committee of the Whole today and to include therein an editorial from the Washington Post.

The SPEAKER. Is there objection?

There was no objection.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein two editorials.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. ROWAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Washington Post.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. ROGERS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein an article on proposed legislation in Congress.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the Committee of the Whole this afternoon by including certain editorials and to include a black line graph one column wide and 3 inches long.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, on last Tuesday the gentleman from Michigan [Mr. JONKMAN] introduced a bill providing for the repeal of the law which authorizes renegotiation of Government contracts. The gentleman from Michigan made several observations at the time to which I should like to reply.

He read a letter saying that renegotiation is a burden on small business. He said that it is creating a great bureaucracy which consumes the time of businessmen and regulates their profits without any legislative standard. He declared that the War and Navy Departments have used renegotiation to provide themselves with funds which Congress would not have appropriated. He insists that businesses have not voluntarily accepted renegotiation settlements. Last of all, he claimed that renegotiation is not necessary because all excessive profits will be eliminated by what he calls a 90 percent excess profits tax.

I should like to answer the first of these criticisms very briefly, Mr. Speaker, and then pay particular attention to his claim that the excess profits tax eliminates all exorbitant war profits.

First, the gentleman from Michigan evidently overlooked the fact that any company doing less than \$100,000 of war business each year is exempt from renegotiation, and the suggestion has been made to Congress that this be increased to \$500,000. That exemption removes from the scope of the act almost all small business and therefore the law cannot be a burden on small business as the gentleman implied. Moreover, if he had looked closely at the figures on the companies which have been cleared by the price adjustment boards, he would have seen that many small businesses have not been required by the boards to renegotiate their contracts because their profits were not excessive. The Navy Department, for example, has cleared without renegotiation 240 companies holding a total of \$500,000,000 of contracts, that is, small companies. But it has required about 120 companies to reduce their excessive profits and these 120 companies held \$13,000,000,000 of war contracts. In other words, they were big companies. These figures show, Mr. Speaker, that the companies cleared by the boards without renegotiation are usually small companies whereas the companies which are required to renegotiate are usually large companies.

There are big and wealthy interests in this country which would be very happy not to have to renegotiate their contracts. If they could obtain repeal of this law behind the cloak of small business, they would be very happy to do so. I believe, Mr. Speaker, we should be careful not to let big business masquerade behind the name of small business, and I think the record thus far shows that renegotiation has concerned itself primarily with large companies who would be the chief beneficiary if the law were repealed.

The gentleman from Michigan also declared that there is a great bureaucracy administering this law. The total number employed by the Navy Price Adjustment Board is about 75 persons, whereas the Army boards, having a larger volume of work, number about 750. This is not a very large staff to handle a total of about 25,000 companies.

These boards do not take up much of a businessman's time. One typical case was started on September 9, 1942, and closed on October 29, and during this period some of the company's officials had to spend about 3 days on the matter.

The price-adjustment boards do not operate without a legislative standard. The law fixes a standing of reasonableness and any more precise formula is not feasible. As the gentleman himself said, any profit limitation formula smacks of cost-plus and I do not believe that he could suggest to the Congress any formula which would not work hardship on small contractors while it gave windfalls to others.

The gentleman from Michigan also declared that the money recovered through renegotiation is used by the War and Navy Departments for any purpose they see fit, thereby preventing Congress from controlling expenditures. Mr. Speaker, this is flatly untrue. After the War or Navy Price Adjustment Board arranges for a contractor to reduce his price, the money so recovered cannot be spent by the War or Navy Department except for the purpose originally provided in the appropriation act. If the price of airplanes is reduced, the money so saved must be spent for airplanes. It cannot be diverted to buying food, paying personnel, or any other purpose except the purpose specified by Congress. Does the gentleman from Michigan mean to imply that if the Army can get six big bombers out of a million-dollar appropriation instead of four that the Army has circumvented the will of Congress? I do not believe that it has, Mr. Speaker. The Army has stayed within the amount appropriated by Congress and by increasing the purchasing power of its appropriation has reduced the need for further appropriations in the future. The money is spent as we directed, but it goes further.

If the price-adjustment boards get an outright cash refund, that money goes back into the Treasury, as the gentleman from Michigan said, and it cannot be expended for any purpose without a new appropriation from Congress. The gentleman from Michigan belittled the statement that renegotiation agreements have been reached voluntarily, declaring that companies must accept whatever Washington decrees. Mr. Speaker, this is not so. The Under Secretaries of the War and Navy Departments can be appealed to by any contractor who thinks he has not been fairly treated by the Price Adjustment Board. Furthermore, there is no doubt about the legal ability of the contractor to appeal any finding of a price-adjustment board to the courts. No contractor has done so.

The gentleman from Michigan declared that the Government's procure-

Mr. KNUTSON. The gentleman was not here but rushed in after his name was called.

The SPEAKER. Does the gentleman from New York state that he was in the Hall listening and failed to hear his name called? Otherwise he does not qualify.

Mr. BLOOM. No.

The SPEAKER. The gentleman does not qualify.

Mr. HAGEN. Mr. Speaker, I was here but was talking and did not hear my name called until too late to answer. I think I qualify.

The SPEAKER. Was the gentleman in the Hall?

Mr. HAGEN. I was and I wish to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening when his name was called and failed to hear it?

Mr. HAGEN. I was talking; I did not hear.

The SPEAKER. The Chair must hold, as the Chair held in the case of the gentleman from New York who said his name was called as he came in, that the gentleman does not qualify.

Mr. MARTIN of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. The gentleman from Minnesota said he was in the Hall listening but did not hear his name called.

The SPEAKER. The gentleman from Minnesota said he was in the Hall when his name was called but that he was talking. The Chair propounded the question: "Was the gentleman in the Hall listening when his name was called and failed to hear it?" And the gentleman did not say he was.

Mr. MARTIN of Massachusetts. Mr. Speaker, we are setting the precedent that even though a Member is sitting in the Hall listening for the roll call but does not happen to hear his name he is disqualified.

The SPEAKER. The rule is that the Member must qualify that he was in the Hall listening and failed to hear his name called on the supposition that the Clerk failed to call his name.

Mr. CANNON of Missouri. Mr. Speaker, I rise to a point of order.

The SPEAKER. If the gentleman rises to a point of order the Chair will let him state the point of order.

Mr. CANNON of Missouri. There are three things, Mr. Speaker, that are essential in order to qualify a Member to vote after the conclusion of the roll call: First, the gentleman must have been in the Hall; second, he must have been listening; and third, he must not have heard his name called. If he was not in the Hall he does not qualify; if he was not listening he does not qualify; and if he heard his name called and did not answer he does not qualify.

The SPEAKER. The Chair has ruled on two-thirds of that proposition.

Mr. HENDRICKS changed his vote from "yea" to "nay."

Mr. KUNKEL. Mr. Speaker, I voted "nay." I have a live pair with the gentleman from New York, therefore I withdraw my vote and vote "present."

Mr. J. LEROY JOHNSON. Mr. Speaker, I voted "nay." I have a live pair with the gentleman from Minnesota [Mr. Judd]. I would like my vote changed to "present."

Mr. O'LEARY. Mr. Speaker, I entered into an active pair with the gentleman from New Jersey [Mrs. NORTON]. If present she would have voted "nay." I withdraw my vote and vote "present."

Mr. BATES of Kentucky changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

On motion of Mr. COOPER, a motion to reconsider the vote by which the motion was rejected was laid on the table.

The SPEAKER appointed the following conferees on the part of the House: Messrs. DOUGHTON, COOPER, DISNEY, DINGELL, KNUTSON, REED of New York, and JENKINS.

URGENT DEFICIENCY APPROPRIATIONS, 1943

Mr. CANNON of Missouri. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 2714) making appropriations to supply urgent deficiency appropriations for the fiscal year ending June 30, 1943, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2714, with Mr. PATMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The order of business is, there are 2 hours' general debate, 1 hour to be controlled by the gentleman from Missouri [Mr. CANNON], and the other hour to be controlled by the gentleman from New York [Mr. TABER] on the pending amendment.

Mr. CANNON of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON of Missouri. It is my understanding that at the end of those 2 hours a vote will be taken on the amendment and all amendments thereto?

The CHAIRMAN. The gentleman has correctly stated the proposition.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Missouri yield for a parliamentary inquiry?

Mr. CANNON of Missouri. I yield.

The CHAIRMAN. The gentleman from New York will state the parliamentary inquiry.

Mr. CELLER. Mr. Chairman, there was so much confusion in the chamber we did not hear exactly what the retort was to the inquiry, whether or not the 2 hours would be confined to the amendment offered by the Kerr committee and all amendments thereto, or just to the amendment offered by the Kerr committee.

The CHAIRMAN. The vote is to be taken at the end of 2 hours' debate on the amendment and all amendments thereto.

Mr. CANNON of Missouri. Mr. Chairman, the committee will recall that in February, during consideration of an appropriation bill, a situation arose on the floor in which the House—almost by concert and with practical unanimity—proposed to summarily arraign, try, condemn, and execute, without benefit of clergy or legal process, certain Federal employees charged with subversive activities.

Those charged were to be given no opportunity to be heard. They were to be tried without notice on hearsay and rumor and by what practically amounted to mob action.

In that crisis, by agreement and direction of the leadership on both sides of the aisle and both ranking members of the committee in charge of the bill, I submitted to the House a resolution providing for the appointment of a subcommittee to investigate the charges, hear testimony, give accused opportunity to be heard, and thereupon, in due time, to bring the result of its deliberation before the House.

The resolution was agreed to unanimously and when I appointed the subcommittee, after consultation with the ranking minority member of the Appropriations Committee, the gentleman from New York [Mr. TABER], I selected five of the ablest members of that committee whom I consider to be five of the ablest Members of the House, every one of them experienced men who have the confidence of the House; men of exceptional probity, ability, and fairness. The chairman of the committee had had many years' experience as an attorney and had served for many years on the bench and, indicating his impartiality, had voted twice against continuation of the Dies committee, in which committee the charges had originated. That committee has been in session ever since.

It has heard full testimony, has given all those against whom charges were brought an opportunity to have their day in court. The subcommittee has made a report of its findings which has been offered by the Committee on Appropriations and is now available to the Members of the House.

Mr. CELLER. Mr. Chairman, will the gentleman yield at that point?

Mr. CANNON of Missouri. If the gentleman wishes to submit a question as to the report, may I suggest that he reserve it for the chairman of the subcommittee, the gentleman from North Carolina [Mr. KERR], who will now take the floor.

Does the gentleman from New York care to take time before the chairman of the subcommittee is recognized?

Mr. TABER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, after things came to an impasse in the House last February, the resolution introduced by the gentleman from Missouri [Mr. CANNON], H. R. 105 was adopted as a result of which this subcommittee was appointed for the purpose of going into the charges that had been and might be submitted by the Dies Committee against different individuals in the employ of the Government. That the Congress has the absolute power to say that any man shall not be

on the pay roll of the Government is beyond question. These people are charged with being unfit to be on the pay roll of the United States. This committee was named by the chairman, after consultation with me, and I say to you that the men selected were the very best we could find for that purpose—of open and judicial mind. In my own opinion they are five of the very ablest, finest, and keenest Members of the House of Representatives.

Before they started the hearings they were told by the chairman and by me that they were expected to go over the evidence, give these people a fair hearing, and render judgment accordingly, which should be sent to the full committee and later to the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TABER. I yield myself one additional minute.

Some of these men on the committee started off with a complex in favor of those that were accused, but all of them with an open mind. When they were through they agreed unanimously that these three names that are presented here should go off the pay roll of the United States Government. For my own part I can do nothing but support wholeheartedly and down the line the judgment of that committee, because I know that it is honest, I know that they have leaned over backward in trying to be fair to these people and there is nothing of a prejudicial character about the verdict.

I am going to yield to the members of that committee, on this side, so far as I can, so that the House may have the complete facts of these cases.

Mr. CANNON of Missouri. Mr. Chairman—

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from New York.

Mr. MARCANTONIO. As I understand, the chairman of the committee and the ranking minority member, have stated they will yield all their time to members of the Kerr committee, all of whom have signed this report, and I assume all of whom support this report. Does that mean that those who are opposed to this amendment will be deprived of every bit of time and will have no opportunity to make a statement in opposition to the amendment?

Mr. CANNON of Missouri. My statement was that I would yield first to the members of the subcommittee, as provided under the rules of the House, and after they have been allotted time it is my intention to yield to the gentleman from New York and to other Members of the House who are opposed to the resolution.

Mr. Chairman, I yield to the chairman of the subcommittee, the gentleman from North Carolina, Judge KERR, 15 minutes.

Mr. KERR. Mr. Chairman, I cannot neglect to thank the distinguished chairman of the Appropriations Committee and the distinguished ranking Member of the minority side for their complimentary remarks concerning the work of this committee.

Pursuant to House Resolution 105, which has been referred to here, five members of the Appropriations Committee were authorized by this House to investigate certain charges that have been made with reference to certain employees of this Government and to report their findings, first to the whole Committee on Appropriations, and then the whole committee to report its findings to the House.

I do not hesitate to say that this committee has been conscientious and diligent in its endeavor to do the duty assigned to it and to do that duty well. It has not been a pleasant duty; in fact, frankly, it has been an unpleasant duty. It involved the consideration of a large amount of evidence, much more than this House thinks. It involved the consideration of the probity of that evidence, the weight of the evidence, and other things which had to be taken into consideration by the committee in respect to this important matter.

We discovered after organization the fact that there had never been declared judicially or by any legislative body what constituted subversive activities in respect to this Government. Subvert means to turn over, and the committee, in order to have something to go by, undertook to write what it thought constituted subversive activities in respect to the overthrow of this Government.

I may say that the committee fully understood the seriousness of this matter. It understands how serious it is to remove a man from his office and understands that a stigma may be placed upon him when that act is done. I think the committee fully understands the implications involved in one branch of the Government in attempting to remove an employee of another branch. Those things we took into consideration and those things we attempted to handle justly and properly in the light of the evidence in this matter.

You must understand that your subcommittee was not employed to remove anybody from office. We were not delegated to remove anybody from office. This House simply requested this committee to examine the facts and the charges made against various people here who had been charged with activity which was subversive of our form of government and which had for its purpose its overthrow and destruction. The Committee on Appropriations is not undertaking to remove anybody from office. The House Committee on Appropriations is simply bringing here to this Congress and giving you the facts as it has found them, saying to you, "Gentlemen, these are the facts. The duty devolves upon you now to say whether or not these men named in the amendment are fitted to be employees of the United States Government."

The wording of resolution 105 was that the subcommittee should investigate the matter referred to it and make a report to this Congress through the whole committee, and submit recommendations. That is what it has undertaken to do. It becomes the duty of the House then to say whether certain employees of the Government by reason of their

association—and I read the words of the resolution—"by reason of their present association or membership or past association or membership in or with organizations whose aims or purposes are or have been subversive to the Government of the United States," are fitted for service in this Government.

That is what you have to find, that is what this House has to find, that is what the representatives of the people of this country have to find. This House speaks for the people. You are to determine whether or not the people of this country want certain men who are guilty of association with organizations and who are members of organizations in this country whose purpose and object is subversive to the institutions of this Government and who are willing to associate and organize with those whose purpose it is to overthrow it, to hold positions of responsibility in this Government.

I contend that the proposition before the House is an elementary one. It does not involve the question of impeaching anybody. Under any judicial act of our country, it is simply a question of whether or not the people of this country want men who are not in sympathy with the institutions of this country to run it. You can impeach a public official in this country for high crimes and misdemeanor or for malfeasance or misfeasance in office. The question involved in this determination and in this inquiry does not involve a consideration of that kind at all. I repeat what it is. It involves the question of whether the people of this country want men who are not in sympathy with this form of government and philosophy of life to run the affairs of this Nation and to be employees of it.

The men who founded this Nation of ours placed in the hands of this Congress, placed in the hands of its Representatives, the purse strings of this Nation, reserving the right the Commons had under the old English laws, when they built the great British Empire. The English people were able to get justice and consideration and extend the power and the glory of that great Empire, because the Commons of that great nation held the purse strings, and they were not afraid of the man who held the sword as long as they held the purse strings.

The people of this country have never seen fit to remove the right from this Congress and from its Representatives to hold the purse strings of this Nation. To say that they do not have that right is so elementary from a legal or any other point of view that it does not need any discussion.

This Congress has the right to say to whom the people's money shall be paid. Congress will not be denied and should never be denied that right. The question involved here is one that simply involves that proposition and that statement.

The employees named in the amendment have been reported as being connected with organizations or having been members of organizations or of making statements which appeared to be subversive of our form of government.

These organizations have been thoroughly investigated. They have been looked into, not by this subcommittee alone, but by various other committees of this Government, and the evidence has been brought and laid in the lap of our subcommittee. We have thoroughly deciphered it and thoroughly gone over it. If this committee decides that a person is not entitled to hold an office in this Government, and this Congress, the representatives of the people, adopts that decision, then I challenge anyone to deny the statement I make, that there is no power on this earth or in this Government that can take away that right and can keep a man in office when this Congress says that he cannot be kept in office.

Mr. WOODRUM of Virginia. Mr. Chairman, would the gentleman care to yield? I do not want to interrupt the gentleman if he does not want to be interrupted.

Mr. KERR. I yield to the gentleman from Virginia.

Mr. WOODRUM of Virginia. The question was asked yesterday whether there was any precedent for taking people off the pay roll because you did not agree with their political philosophies. There is a direct precedent for it. Some of us may have forgotten it. In 1939 the Communists of the city of New York took charge of the Federal Theater project and the Federal Writers project. After a long and tortuous hearing in the House during which the gentleman from New York and I were burned in effigy in the public square in New York for our political beliefs, this House and the Senate passed and the President signed a bill that took literally thousands of Communists off the Federal pay roll.

Mr. KERR. This very question as to whether the Congress has a right to deny an appropriation or take a man off the pay roll has been decided as many as three times, twice in an opinion of the Supreme Court, and once in an opinion of the Attorney General. Your committee has been diligent and has looked into the law in respect to this matter.

In the case of Hart against United States, which is a case that arose in the Court of Claims and appears at volume 16, page 484 of the Court of Claims Reports, a case which was afterward affirmed in the Supreme Court of the United States in the One Hundred and Eighteenth United States Reports, page 62, the Court said, in an opinion by Judge Davis of the Court of Claims:

The absolute control of the moneys of the United States is in Congress and Congress is responsible for its exercise of this great power to indicate a class of persons who shall not be paid out of general appropriations, but shall come to Congress for relief.

In an opinion found in the Opinions of the Attorneys General of the United States, volume 7, page 215, the following appears:

While the power of appointment to office is essentially an executive function, Congress has the power to prescribe conditions to the complete investiture of an office and qualifications for office and it may control appointments through the control of appro-

priations and salaries. This control may take effect in the refusal of appropriations.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. KERR. The question arose in another case in the United States courts, and I quote an excerpt from the opinion:

An officer appointed for a definite time, or during good behavior, has not any vested interest or contract right in his office, from which Congress cannot deprive him. Such an officer enjoys a privilege revocable by the sovereignty, at will, and one legislature cannot deprive its successor of the power of revocation (*Chenshaw v. U. S.*, 134 U. S. 99).

Mr. Chairman, it looks as if when we approach this matter from a legal standpoint, the proposition that we have brought before this Congress, and that Congress must consider, is elementary.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. KERR. For a question.

Mr. O'CONNOR. To inquire of the gentleman whether any member of his committee, or the committee, found anything in these men's record as public servants that indicates they are not performing their duty working for the Government in their respective jobs at the present time?

Mr. KERR. I do not think we looked into that. The gentleman can see that if we had gone afield to look into that, how much more time we would have had to take. I stated what we were delegated to do, and this House fully understands it. Nobody asked us to see whether these men were conducting themselves properly.

Mr. O'CONNOR. Did the gentleman's committee find whether these men or any one of them is doing anything that, in the committee's judgment, would obstruct the winning of the war or interfering with it at the present time?

Mr. KERR. We did not go into that phase of the question.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. KERR. Yes.

Mr. WALTER. Did the inquiries made by the gentleman's committee disclose how these people for whom the Democrats are constantly being compelled to apologize affixed themselves to the Federal pay roll, how they became a part of this administration?

Mr. KERR. As a matter of fact, I will say that we did not make inquiry into that. We found them on the pay roll, under suspicion.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. KERR. No. I call to the attention of the House that there is another question involved in this matter which deserves to be considered, and I think it is fundamental. These employees under investigation have no property rights in their offices. There are some offices in which the holders have a property right, and it may take impeachment to remove them, but these people under investigation have no property rights in

these offices. One Congress can take away their rights given them by another. Therefore, you do not have to resort, and Congress does not have to resort, to instituting impeachment proceedings in order to remove from office those who have no property rights in the office, but are simply employees of the Government. We maintain that the head of a department has no constitutional prerogative in its appointments.

Mr. Chairman, I have attempted to cover the law involved in the determination of this matter. Other members of the committee will argue the evidence pertaining to the various cases for you to consider.

I cannot refrain from mentioning a picture I was familiar with when a boy, a long number of years ago. In my grandfather's library there was a large picture of George Washington, and almost every man in this country 100 years ago had in his home a picture of George Washington. I shall never forget that picture. It was a picture of Washington mounted on his white horse at Valley Forge and he was pointing down to one of his generals and giving the following command, "Put none but Americans on guard tonight." That command should inspire every true American to be on guard at this perilous period of our national life.

As a further authority to sustain the position of the subcommittee in the matter I quote from the speech of Hon. John Randolph Tucker, one of the ablest of American Constitutional lawyers, which he made in Congress about 65 years ago, reported in the CONGRESSIONAL RECORD, of the first session of the Forty-sixth Congress.

He says that—

The power over the purse of the people is a part of those inherited privileges vested by the people in this House and in the Senate, by means of which the people's representatives in the legislative department may check executive usurpation and constrain a redress of grievances. This money power was the lever by which the Saxon people upheaved the solid centralism of the Norman polity and transferred the monarchy of the Conquest into the noblest type of constitutional government in the Old World. This power over the purse in the hands of the Commons made the sword impotent in the hands of the king. The power was used there—in England—as the medicine of the constitution; the Tudors and the Stuarts demanded supplies for their schemes of ambition in war and peace; the Commons halted on grievances; the crown sent messengers to them to hurry up supplies and adjourn without redress of grievances; but the Commons said, the purse is ours to give or to withhold; to give absolutely or on condition, abandon dangerous power and practices. Let go your hold on our liberties and we will give you money. This weapon for a people's defense, well and wisely wielded, has reformed the British monarchy, purged away its despotic principles, enlarged popular authority, secured personal liberty, and the personal rights of man by the splendid muniments of law and an independent judiciary, and brought the whole government under the influence and control of the will of the people. It was the light of civilization which banished the night of barbarism from the kingdom.

Sir Erskine May, in his Constitutional History of England, volume 1, page 440, says:

"One of the most ancient and valued rights of the Commons is that of voting money and granting taxes to the Crown for the public service. From the earliest times they have made this right the means of extorting concessions from the Crown and advancing the liberties of the people. They upheld it with a bold spirit against the most arbitrary kings, and the bill of rights crowned their final triumph over prerogative. They upheld it with equal firmness against the Lords."

The struggle in England to obtain control of the money of the Government was long and obstinate and extended over a period of more than a thousand years. The Commons first obtained the right to sit separate from the House of Lords. They then demanded the privilege of originating the revenue bill, and when they had once gained this power they used it as a defense against any encroachment upon their rights, and as a means of destroying the prerogative of the King wherever it encroached upon the rights of the people. The King came to them and demanded supplies. The Commons said, "We will give you money, but you must redress grievances." The right which the people have today through their general assembly to determine what appropriations shall be made and how, what claims against the state shall be paid and when, is a right derived from this great struggle between the Commons and the King, and is crystallized and preserved in that article of the Constitution to which we have referred—that no money shall be withdrawn from the Treasury, except in consequence of appropriations by law.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. POWERS].

Mr. POWERS. Mr. Chairman, I am going to ask not to be interrupted until I have finished the presentation of the case I am about to present. I want it clearly understood at the beginning that I am not an attorney. I suppose many Members of the House are aware of that fact.

First, I shall go into just a little bit of the history of the Kerr committee and advise the membership just what might have happened if the Kerr committee had not been brought into existence. About 3 months ago there was what might be called a concerted effort to remove from the pay roll several score employees who had been investigated by the Dies committee. The method of their removal was to be merely an amendment offered to an appropriation bill, including them all, and removing them. Many of us here in the House thought, firstly, that such a procedure was un-American, and, secondly, that every man, no matter who he is, no matter of what he is accused, has a right to a hearing. The chairman of the Committee on Appropriations, in collaboration with my distinguished colleague, the ranking member of the committee, the gentleman from New York [Mr. TABER] decided upon the procedure which ultimately brought about the Kerr committee. If it had not been for the formation of this committee, I say unhesitatingly this afternoon, that in the frame of mind the House was in 3 months ago, all of these ladies and gentlemen who had been cited by the Dies committee would probably not have been on the pay roll today. I, unfortunately—unfortunately from a

personal standpoint—was appointed a member of the Kerr committee under protest. It has been one of the most unpleasant and distasteful tasks I have ever undertaken. I say for the Kerr committee, that I have never sat with four men quite as patriotic, quite as fair-minded, as meticulous as were the members of this committee.

The reports we have brought before you call for removal of three employees from the Federal pay roll. We have heard seven in all. We have made a determination in six cases, removing three. No determination has been made in the seventh.

It is my unpleasant duty this afternoon to take the case of Dr. Robert Morss Lovett, secretary of the Virgin Islands. Dr. Lovett has a very complete file in the hands of the Dies committee, which file we obtained. Dr. Lovett has a very complete file in the Federal Bureau of Investigation, which file we obtained. He has a very complete file with the Interdepartmental Committee, Civil Service Commission, and we have obtained them all. We examined the files very carefully. Dr. Lovett was called before the committee and questioned at some length, and the committee came to the conclusion that Dr. Lovett is not a fit person to remain on the Government pay roll.

I am not going to argue with anyone this afternoon whether this House has a right to remove anyone from the pay roll, or whether it has not. I think it has and I am so voting. I am not accusing Dr. Lovett of any crime, but I am saying this from a layman's standpoint. If in private industry I happened, for the sake of argument, to be president of General Motors Corporation, we will say, and I had a man the type of Dr. Lovett as the superintendent of my Pontiac plant or my Chevrolet plant, and I and my board of directors had laid down a certain design, a certain type of manufacture for this automobile, and I turned it over to Dr. Lovett, superintendent of the plant, and if Dr. Lovett went through the plant and said, "Powers, the president of this plant, and the board of directors, who are about crazy, tell me that this is the design of this automobile. I am telling you workmen this design is rotten. I am telling you workmen we should not have such a design. I just do not like it. If you have to build this design do this to it and do the other thing to it."

That is the way I am looking at this problem. I would not have Dr. Lovett or the other two gentlemen mentioned in this report on my pay roll for 15 minutes.

Again, let me tell you this: We are not accusing Dr. Lovett of anything criminal, but we are saying that because of his past and his present affiliations, his membership in certain organizations, he should not be on the pay roll. Dr. Lovett, in my opinion, was a professional joiner. He joined several score of organizations, and among those organizations were six which came under the scope of the mandate of Public Law 135 and Public Law 644 of the Seventy-seventh Congress. Those six organizations which

Dr. Lovett admitted either membership in or association with are: First, the American Peace Mobilization, later known as American People's Mobilization; second, American Youth Congress; third, League of American Writers; fourth, National Committee for People's Rights; fifth, National Federation for Constitutional Liberties; sixth, International Labor Defense.

I am not in favor of stifling free speech and I say that Dr. Lovett has the right to go anywhere and speak in any way he sees fit, but he is not going to do it along the lines he has been doing while he is on the public pay roll, if I have anything to do with it.

Back in 1936 Dr. Lovett was quite active in Norman Thomas' campaign. I want to read you an extract from a speech he made during that campaign, and you can judge for yourself. To quote Dr. Lovett:

I shall vote for Norman Thomas for President because he is the only man who will take the control of this country away from the capitalists and place that control in the hands of the people. The Socialist Party is a party of poor and working classes. The Communist Party is also a party of the laboring or working classes and their candidate, Earl Browder, stands for the same things as does Norman Thomas, but I believe the Socialist Party has the best approach to the problem that confronts us today * * *. The worker today must either be a Communist or a Socialist, for neither of the older parties offer any hope. President Roosevelt has been in power for 4 years and has done nothing. It is still the same old system under which the workers are taxed to help the capitalists get more money and more power. Vote for Norman Thomas, and through him you will be voting for yourselves.

That is from one of Dr. Lovett's speeches, and it is verbatim.

Back in 1935 the Illinois State Legislature made an investigation of Dr. Lovett, and during that investigation there came to light a letter he had written to one Morris Gordin. I am going to quote that letter:

DEAR GORDIN: I have your book, *Utopia in Chains*, and am sending it to Dr. Jerome Davis, the best reviewer I can think of for books and the early days of the Russian revolution. I hope it will be very successful. I assure you there was no "reversal of attitude" on my part. I was anxious to have the book published as a human story, not caring in the least whether it reflects on the Russian governments, or the United States Government, or any other—all, in my opinion, being rotten. Houghton, Mifflin will undoubtedly handle the book as a counterrevolutionary document, and obviously I cannot associate myself with such a campaign.

Most sincerely,

ROBERT M. LOVETT.

Then when the Illinois State Legislature finished the investigation they published the following as one of their findings, on June 26, 1935:

Fair consideration of all evidence received by the committee compels the conclusion that Prof. Robert Morss Lovett has pursued an unpatriotic course of conduct for a period of 8 or 10 years. From the testimony and exhibits considered by the committee, he is not loyal to the spirit or letter of the Constitution of Illinois or the United States.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from New Jersey has 4 minutes remaining.

Mr. POWERS. Mr. Chairman, in view of the few moments I have left, let me summarize by saying I believe I have touched the high spots of the Lovett hearing and I feel quite strongly in this matter. I am hopeful the votes for the Kerr amendment will be almost unanimous.

Mr. STARNES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. POWERS. I yield.

Mr. STARNES of Alabama. Is it not a fact that Dr. Morss Lovett, when questioned under oath, admitted membership in associations and affiliation with a number of these designated Communist front organizations?

Mr. POWERS. Oh, definitely; he was proud of it, very proud of it.

Mr. TABER. He was vice president of one.

Mr. CASE. Mr. Chairman, will the gentleman yield?

Mr. POWERS. I yield.

Mr. CASE. Was Dr. Lovett given a full opportunity to be heard before the committee himself?

Mr. POWERS. He certainly was; he had a full hearing, and before the hearing was over he was asked if there was anything he wanted to say or add in connection with the record, and if he wanted to make a general statement, which he did. He had every opportunity to present his case to the Kerr committee.

Mr. BUSBEY. Mr. Chairman, will the gentleman yield?

Mr. POWERS. I yield.

Mr. BUSBEY. For the RECORD, I should like to state that the report from which the gentleman read of the investigation by the Illinois State Legislature on Dr. Lovett was the report of a committee composed of three men who opposed more vigorously than any other three men in the entire State legislature any investigation of the University of Chicago at that time.

Mr. POWERS. I thank the gentleman for his contribution.

In closing, Mr. Chairman, let me call this to the attention of the membership of this body: In my very humble opinion, this Government is now being loaded down with people of this type. The people who employ them will not get rid of them; no one can get rid of them unless the Congress itself does the job. I am hopeful they will do the job.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from New Jersey yields back 1 minute.

Mr. CANNON of Missouri. Mr. Chairman, I yield to the gentleman from Virginia [Mr. FLANNAGAN] to extend his remarks.

Mr. FLANNAGAN. Mr. Chairman, under our system of representative democracy, the people who are the source of all governmental power, speak through their chosen representatives.

Under our system of representative democracy, the voice of the representative is supposed to be the composite voice of the people he represents; the ballots

he casts here on the floor are but the composite ballots of the people back home.

Under our system of representative democracy, if governmental changes are to be made those changes are submitted to the people, and the people after free and open discussion pass judgment upon the changes and by their ballots commission us, their representatives, to vote for or against them.

And, Mr. Chairman, believing with all my heart in our system of representative democracy, I am ever willing to follow the mandate of the people.

But, Mr. Chairman, believing as I do in our system of representative democracy, I am unwilling to sit idly by and let go unchallenged the placing in directive positions those who share views that are inimical to every concept of the Government I love and have sworn to uphold, and who by reason of the offices they hold are in position by devious ways and insidious methods to bring about changes in our system of government that would undermine the very foundation stones upon which this democracy rests.

Here in Congress I see no evidence of a desire to change our system of government. If such a desire existed to any appreciable extent that desire would manifest through the representatives of the people demanding a change. That the Representatives in Congress, practically to a man, are strong believers in and defenders of our representative democracy, is strong and conclusive evidence that the people are satisfied with our system. Further evidence that our people are satisfied is reflected in another and convincing way. While the Dies committee has made mistakes, there is one thing that it has done that atones for all mistakes and that thing is the fact that it has uncovered the subversive influences that are seeking to undermine our Government and arouse our people to the seriousness of the situation. And the strong and practically unanimous sentiment of our people in approving the work of the Dies committee demonstrates to the world that the American people are united in their effort to preserve and hold inviolate the system of government the founding fathers conceived and brought into being.

While I see no evidence of a desire to change our system of government, either among the people or among the representatives of the people, I do see such evidence among some of those holding directive positions in our bureaus and departments.

No one familiar with what has been going on in Government lately will question my statement. If they do, while I could give many concrete examples, it will suffice, I believe, in this discussion to present but one glaring example that came to my attention just a few days ago. I am a member of the committee to investigate the Farm Security Administration. With respect to the traditional American land policy of private ownership in fee simple, what did I find? Now, my colleagues, when you question the wisdom of private ownership of land in fee simple in this country you are questioning one of the fundamental

principles upon which our Government rests. And when you find in our bureaus and departments those who are attempting by insidious circumvention to undermine this great American principle the time has arrived for action, immediate and drastic action. While we like to boast that our forefathers came over seeking political and religious freedom, the fact is that probably more came over seeking land freedom than political and religious freedom, knowing that land freedom has, some way, ever carried with it most of the other freedoms. Yes; they came, the great majority of them, because they could own their own lands and upon them erect their homes, in the conscious understanding that howsoever humble those homes might be they would be their castles and would be sacred from the invasion or molestation of any man, however powerful or lordly that man might be—a place so sacred that not even the law could enter without proper warrant—and that here conscience would be the only master of their speech, their politics, their religion.

Here is what the committee found:

The Farm Security Administration succeeded to the activities of the Resettlement Administration. The Resettlement Administration was administered by one Dr. Rex G. Tugwell, who, according to his own written utterance, entertains these views with respect to the private ownership of land. I quote:

Everyone familiar with American agriculture must know that the most hazardous situation possible to a man of family is to have the fee simple ownership of land. (Excerpt from report by Rex G. Tugwell to Secretary of the Interior, dated December 1941.)

One Dr. George S. Mitchell is at present, and has been for some time past, Assistant Administrator of Farm Security Administration. Dr. Mitchell's views with respect to the private ownership of land are as follows, and I quote:

According to Dr. George Mitchell, Assistant Administrator of the Farm Security Administration, now visiting in San Juan, this fee-simple ownership of property is the greatest detriment to our national prosperity. Dr. Mitchell believes that long-term leases including sometimes the right to pass on land to heirs, would probably benefit the situation. (Excerpts from Puerto Rico World Journal of May 22, 1941.)

We further found, without congressional authority, but to the contrary in plain violation of the express mandate of Congress as expressed in the Jones-Bankhead Farm Tenant Act, that the Farm Security Administration, in furtherance of these foreign bureaucratic ideas was attempting to get around the traditional American land policy of private ownership in fee simple by making 99-year leases. Think of it, my colleagues, making governmental serfs out of American freemen. Yes, my colleagues, it looks like a deliberate and studied effort is being made by these bureaucrats to undermine our time-honored land system and set up in its place some kind of paternalistic system whereby we would substitute Government ownership for private ownership of land and force the unfortunate occupants to become forever and eternally wards of the Government. Moreover,

we found that the Farm Security Administration, without authority from Congress, had set up numerous collective farming projects.

I have only cited the above instance, my colleagues, to show the insidious workings of those who entertain these foreign philosophies and who hold directive positions, in order to bring the seriousness of the situation to your attention. Now, what are the issues? Let me state them simply:

First. Shall governmental changes be brought about by the people through their chosen representatives or by bureaucrats, some of whom entertain strange and foreign philosophies, by insidious usurpation.

Second. Shall only those who love our Government, respect its constitutional powers, and are in sympathy with the democratic concept, hold governmental positions, or shall we throw the bars down and permit the employment of those whose philosophies of government are foreign to the democratic concept and who foster and associate with organizations that would overthrow our Government or substitute in its place another form.

WE ARE TO DECIDE THESE QUESTIONS TODAY

Oh, I know a lot of sophistical tears will be shed in the name of the Constitution, especially in the name of that part of the Constitution known as the Bill of Rights. In answer let me say: No man who attempts to circumvent the constitutional right of the people to formulate and establish governmental policies through their chosen representatives, as some of the bureaucrats have and are attempting to do, should be allowed to escape the consequences of his act by invoking the protection of the very instrument he seeks to destroy.

Congress, the representative of the people, is the policy-making body of our Government, and whenever it becomes known to the Congress that there are those who are attempting to thwart the will of Congress, or that there are those whose concepts of government are foreign to our system holding directive positions and who are likely to attempt to thwart the will of Congress by fostering their beliefs by insidious methods upon an unsuspecting people, it is the duty of Congress to take such action as may be necessary to safeguard its prerogative, even if that action calls for prohibiting appropriated funds from being used to pay the salaries of such persons. If Congress, under the Constitution, acts as the policy-making body for the people, it naturally follows that it is the duty of Congress to see, as far as possible, that the administration of those policies are in safe hands. Ever remember that the representatives of the people are directly answerable to the people, while the only way the people can reach the bureaucrat is through their Representatives. Yes, my colleagues, Congress is the bulwark that stands between the bureaucrat and the people. If we do not stand firm then, perchance, representative government in this country may be lost. If direct constitutional authority of the Congress is asked for then I refer you

to sections 1 and 8 of article I of the Constitution.

Just one other thought on the subject: The bureaucrat occupies an entirely different position to the Government than that occupied by the ordinary citizen. The ordinary citizen who entertains strange and un-American philosophies of government can do a lot of talking without doing very much harm, because he is not in position to put his beliefs into practice. Usually the very best treatment to give such men is to let them talk themselves to death. But when we come to the bureaucrat, especially those holding directive positions, we are dealing with men who can put their un-American doctrines and philosophies into practice. Most of these subversive bureaucrats are smart, and, my colleagues, do not for one moment discount their shrewdness. And being smart and shrewd make them all the more dangerous, because they will sugar-coat their pet un-American changes with an American flavor that, until the sugar-coating wears off, will fool the very elect.

Now, my colleagues, if these bureaucrats who hold Government positions want to preach their un-American doctrines and philosophies, let them get out of the Government service, and then, so far as I am concerned, they can exhibit their foreign views from every soap box in America so long as they do not advocate the overthrow of our Government by force. Believing as I do in free speech, I think the best cure for these wild-eyed, misguided souls is to let them freely exhibit their views to real every day Americans. They will find out in a short time, in my opinion, that the only effect of their fulminations is an impairment of their vocal cords.

So much for the first question. As to the second question, let me say that no man who does not love this Government and cherish its institutions should be permitted to be upon the Government pay roll. The only safe way to follow in perpetuating and holding inviolate our democratic system is to see that everyone connected with our Government, from President to water boy, not only believes in but has the love of our Government in his heart. While we ever welcome constructive criticism that has for its end improvement of our system, we should not tolerate men in the service of our Government who indulge in destructive criticism that has for its end the overthrow of our system or the substitution of another form in its place. The words of the Master, "He that is not with me is against me; and he that gathereth not with me scattereth abroad" are peculiarly applicable, and should be the yardstick by which the fitness of those in Government service should be measured.

Now I ask your indulgence for just a few minutes while I discuss the procedure we have adopted in weeding out these subversive bureaucrats.

The first instance in which the House attempted to rid the Government service of those holding subversive views was in the case of David Lasser back in June

1941. In that case an amendment was offered from the floor to the emergency appropriation bill prohibiting the use of any of the funds carried in the bill to pay the salary of Lasser. The proceeding impressed me as being so manifestly unfair and unconstitutional, due to the fact that Congress had never investigated the case, nor had it given Lasser an opportunity to answer the subversive charges, that although I did not know Lasser at the time and what I had heard about him was unfavorable, I came to his rescue in quite a lengthy speech which appears in the RECORD of June 19, 1941. My effort, along with the efforts of others, resulted in the appropriations committee giving Lasser an opportunity to be heard. Lasser was heard and the appropriations committee after the hearing decided that an injustice had been done, and the prohibition against him was repealed. My attitude in the Lasser case clearly shows that I believe in the constitutional guaranty that the accused should be furnished with a statement of the charges against him and should be given an opportunity to be heard and present his defense. This end was accomplished in the cases now before the House for consideration and determination by the House appointing a special committee of the Committee on Appropriations to examine into the charges preferred against the parties involved. The report of the special committee sets out clearly the procedure followed in arriving at its decisions. The procedure was as follows, and I quote from the report:

The special subcommittee of the Committee on Appropriations created pursuant to House Resolution 105, Seventy-eighth Congress " . . . to examine into any and all allegations or charges that certain persons in the employ of the several executive departments and other executive agencies are unfit to continue in such employment by reason of their present association or membership or past association or membership in or with organizations whose aims or purposes are or have been subversive to the Government of the United States" have procured and examined the evidence in the cases of employees of the Federal Communications Commission named by the chairman of the Special Committee to Investigate Un-American Activities in a speech on the floor of the House of Representatives, February 1, 1943, and now submit the following report in regard to these employees.

The special subcommittee understands the purpose of House Resolution 105 to be that said committee shall procure the evidence in each individual case from each department or agency of the Government having any such evidence, and from such evidence, supplemented by direct testimony from the employee, arrive at a proper determination of the matter within the provisions of the resolution.

Your committee secured the services of the Honorable Matt H. Allen, of North Carolina, as attorney, and has assembled in the cases above mentioned evidence from the Special Committee to Investigate Un-American Activities, the Federal Bureau of Investigation, the United States Civil Service Commission, the Interdepartmental Committee, and the Federal Communications Commission. It is voluminous. After an examination of the available evidence by members of said committee, each employee was invited to appear, and did appear, and explain under oath in detail his answer to the various allegations,

In my opinion, the procedure followed by the special committee gave the accused every right to which they are entitled.

No one can challenge the high standing and patriotism of the members of the special committee. They are all men of ability and unimpeachable integrity. A better, a fairer, a more judicious committee could not have been selected. I am willing to abide by the findings of the committee.

Mr. Chairman, in conclusion let me say that the thing that disturbs me most in connection with these men of questionable Americanism securing directive positions with our Government is this: Who is responsible? Now, I am not so dumb as to think that it just happened. Someone caused the happenings, and what I am interested in is finding out who that someone is. I hope the scope of the special committee will be broadened and the special committee directed to make investigation into who is responsible for these happenings. We will have an endless job if we have to continue to weed out what someone else is doing. Let us get at the source of this thing and put a curb on the party or parties responsible for placing such people in the Government service.

(Mr. FLANNAGAN asked and was given permission to extend his remarks in the RECORD.)

Mr. CANNON of Missouri. Mr. Chairman, I yield to the gentleman from Washington [Mr. COFFEE] to extend his remarks.

Mr. COFFEE. Mr. Chairman, it is clear that before the House can take action on the proposed amendment to this deficiency appropriation bill to ban salaries for Goodwin Watson, William E. Dodd, Jr., and Robert Morss Lovett, we must consider two questions of major issue.

The first such question is the definition of subversive activities by which the Kerr committee has seen fit to report that these men are unfit for public service.

It seems clear that this Congress cannot in all conscience take action on the basis of legislative definitions which will not stand the test of Supreme Court scrutiny.

Let us then examine the Kerr committee definition from the point of view of how it would withstand such scrutiny. I quote the first part of the definition:

Subversive activity in this country derives from conduct intentionally destructive of or inimical to the Government of the United States—

The question underlying this section would seem to be this: In what way does this alter consideration of any activity which would ordinarily fall within the jurisdiction of the courts of our land as coming within the scope of our statutory handling of sedition and treason? It would seem that this makes no change.

Does this not signify then, that Congress by attempting to legislate such activity to its own jurisdiction may be invading the province of the judicial branch of our Government?

We must, particularly in this time of war, take heed lest by such action we undermine the very foundation of our democracy—our Constitution, which has unmistakably set forth the separation between the executive, legislative, and judicial branches.

I continue with the definition—that which seeks to undermine its institutions, or to distort its functions, or to impede its projects, or to lessen its efforts—

Mr. Chairman, I urge the members of this House to recall the number of times they have used phrases such as "impede its projects," "distort its functions," "lessen its efforts." And in what connection have such phrases been used? Not in the sense of undermining our Constitution or Government. Not at all. They have used these expressions time and time again to characterize their opinion of certain legislative proposals: The establishment of the Office of Price Administration, the enactment of the National Labor Relations Act, the proposal for unemployment compensation and social security, the setting up of the 8-hour work day, the proposal to register trade unions, outlaw the right to strike, and countless others.

At one time or another, by one group or another, all of these have been considered moves to "distort the functions," "lessen the efforts," "impede the projects" of the Government of the United States.

Can we then convict men on such vague, nebulous characterizations of—not their activities—but their utterances and opinions? How many of us, by that same definition, would find ourselves unfit for government service?

The sentence ends—the ultimate end being to overturn it all.

Mr. Chairman, time and time again the Supreme Court of the United States has indicated that charges of utterances inciting to violence against the United States Government must also show "clear and present danger."

The eminent jurist, Mr. Zechariah Chafee says in his book, *Free Speech in the United States*, page 81, in discussing *Schenck v. United States* (249 U. S. 47 (1919)), I quote:

This desire to head off actual injury to the government is, we have seen, the basis of all suppression of discussion, unless it is limited very narrowly. In order to give force to the first amendment, Justice Holmes draws the boundary line very close to the test of incitement at common law and clearly makes the punishment of words for their remote bad tendency impossible.

Mr. Chairman, I again urge that we give grave and serious consideration to branding men "unfit for Government service" because of their opinions and utterances. We dare not lay ourselves open to the charge that our war against the Axis in the name of democracy and freedom will go to naught if Congress itself denies clearly granted constitutional liberties to employees of the Federal Government.

The second question of major issue on which we must ponder is that raised by the report of the Kerr committee on page

3. The report states that the question of responsibility for who shall run the Government, and who shall not be entrusted with official responsibility has been settled, and I quote, "at the bar of public opinion."

Mr. Chairman, can we seriously convict men on the basis of any such judgment? Who shall say that my interpretation of the "bar of public opinion" has any more validity or is a more accurate evaluation than that of my neighbor?

One of the freedoms for which we are engaged in this great struggle is that men shall have the right to lawful trial when they are accused; that they shall not suffer conviction at the arbitrary whim of opinion; that they shall not be branded "traitors" for dangerous thoughts.

Mr. Chairman, Goodwin Watson, William Dodd, and Robert Morss Lovett are branded "unfit for Government service"; not because of their inability to do the work assigned to them, but because they have opinions. Such opinions may differ from yours or mine. But can we convict them of disservice to their country because they believed enough in their opinions to exercise their American right to express them? Surely not.

I hope that the House will take serious cognizance of the possible consequences of the action proposed in this amendment. I hope that we shall once more reaffirm to ourselves and to the world that America is, in truth, fighting a war for freedom and democracy, and that this great Congress of the United States clearly understands its obligation to defend the rights of the individual, whose exercise is under the intent examination of the freedom-loving peoples of the world.

Two interesting decisions of the United States Supreme Court discuss what limitations may be placed on freedom of speech in the United States:

SUPREME COURT ON FREEDOM OF SPEECH

1. *Schenck v. United States* (249 U. S. 47, 39 S. Ct. Rept. 247):

"The question in every case of the alleged infringement of the constitutional freedom of speech and press is whether the words used are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent; it is a question of proximity and degree."

2. *Herndon v. Lowry* (301 U. S. 242, 57 S. Ct. 732):

"The power of a State to abridge freedom of speech is the exception rather than the rule; and any limitation upon individual liberty must, to avoid unconstitutionality, have appropriate relation to the safety of the State."

Mr. Chairman, I urge the defeat of the Kerr amendment.

The Federal Communications Commission, which employs Messrs. Dodd and Watson, has issued a considered opinion and analysis of the Kerr committee report, relative to Drs. Watson and Dodd. In order that the accused may have something more directly in their own behalf in the record I include that statement hereinbelow emanating from those who should know them best, their employers:

REPORT BY THE FEDERAL COMMUNICATIONS COMMISSION (COMMISSIONERS CASE, CRAVEN, AND PAYNE, DISSENTING) IN THE MATTER OF GOODWIN WATSON, FREDERICK L. SCHUMAN, AND WILLIAM E. DODD, JR.

The Commission has before it the question of the continued employment of Goodwin Watson, Frederick L. Schuman, and William E. Dodd, Jr. The occasion for the present reconsideration of the qualifications of Watson, Schuman, and Dodd is the Report of the Special Subcommittee of the Committee on Appropriations Acting Pursuant to House Resolution 105, Seventy-eighth Congress, filed April 21, 1943. This report finds that Watson is "unfit for the present to continue in Government service"; that there is not sufficient evidence concerning Schuman "to support a recommendation of unfitness to service in the employment of the Government at this time"; and that Dodd is "unfit for the present to continue in Government service."

We are keenly aware that, subject to Civil Service and other legally imposed restrictions, the responsibility for determining the qualifications of its own employees for employment and for their continuance in employment rests upon the Commission itself. Under the law, we may not employ or continue in employment any person who has "membership in any political party or organization which advocates the overthrow of our constitutional form of Government in the United States" (act of Aug. 2, 1939, sec. 9 (a), 53 Stat. 1148); nor can we employ or continue in employment "any person who advocates, or is a member of an organization that advocates the overthrow of the Government of the United States by force or violence" (Independent Offices Appropriation Act, 1943, sec. 4, — Stat. —). In selecting employees the fullest care is exercised by the Commission to see to it not only that they meet the statutory qualifications above mentioned and have the required skill and training but also that they have no loyalty of any kind which would conflict with their loyalty to this country or with the proper performance of their duties as employees of the Commission. Our determination today is arrived at with a full awareness that under the law the primary responsibility is ours.

The records of Watson, Schuman, and Dodd were carefully examined before they were employed. They have been even more carefully investigated since their employment. The report of the subcommittee contains no information or charges which the Commission has not previously considered, and there is nothing in the report which would warrant the Commission in changing the conclusion it has reached that these men are qualified for the work assigned them.

All three men are native-born citizens, admirably qualified for the positions which they hold. Watson, before joining the Commission, had taught for 16 years at Columbia University and was widely recognized as one of the outstanding social psychologists in the country. He has been a student of world affairs. He is an ordained minister of the Methodist Church; has served in various Methodist pulpits and as director of research for the national council of the Young Men's Christian Association. Schuman taught at the University of Chicago, as well as at Harvard University and the University of California; from 1936 until his employment with the Commission he was Woodrow Wilson professor of government at Williams College. Dodd is a graduate of the University of Chicago and has taught at the University of North Carolina and at William and Mary College; he served as secretary to his father, the late Ambassador to Germany, during his ambassadorship, and edited his father's official diary for publication. All three, without question, are eminently qualified, both by training and actual practical experience, for

their Commission duties—the analysis of foreign broadcast propaganda.

These men have been on the job and under our observation for a substantial time. No question has at any time been raised concerning the competence, accuracy, or objectivity of their work. Their reports come under the daily scrutiny of their supervisors and of responsible officials of Military Intelligence, Naval Intelligence, Office of Strategic Services, State Department, Office of War Information, Coordinator of Inter-American Affairs, Board of Economic Warfare, Lend-Lease, Department of Justice, etc. It is inconceivable that any bias, distortion, or subversion could escape the attention of these agencies. They have frequently commended the quality of the work performed.

Letters cited below from many eminent citizens whose character is unimpeachable and who are in a position to know the facts show the high respect in which the loyalty, trustworthiness, and competence of these men are held.

Watson, Schuman, and Dodd enjoy the full respect and confidence of their superiors, associates, and subordinates. The removal of any one of them would result in a direct reduction in the efficiency and quality of the essential war activity carried on by the foreign broadcast intelligence service.

All three, by reason of their close contact and exhaustive study of world affairs, perceived earlier than many of their countrymen the rising menace of the Nazis, Fascists, and Japanese. Spurred on by this insight, they sought by speech, by writing, and by cooperation with others working toward similar ends to awaken their countrymen to the peril which became manifest to all Americans at Pearl Harbor. We do not, of course, endorse every word these men have uttered or every action they have taken, but we believe that the right of freedom of speech which the Constitution guarantees to every person embraces even those with whom we disagree.

Nothing contained in the report of the special subcommittee of the Committee on Appropriations acting pursuant to House Resolution 105, Seventy-eighth Congress, filed April 21, 1943, has caused us to abandon this belief. Nowhere does the subcommittee report charge that these employees "have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States"; nor does the subcommittee report find that any of them "advocates, or * * * is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence." Nor does the subcommittee report set forth any other reason in law, in fairness or arising out of the exigencies of the present war for the dismissal of these employees at this time. In practical effect these men have only been farsighted and aggressive in opposing nazism and fascism. Their citizenship and the legality of their conduct have not been brought into question in any court of law. We are confident that the Congress desires to assure the maintenance of our traditional legal processes.

As Commissioners, we are sworn to uphold the Constitution and the laws of the United States. We are obligated to preserve their orderly processes. We cannot in good conscience take a course of action which, however politic and easy, may violate the constitutional guaranties of due process of law and of free speech.

RECORD OF GOODWIN WATSON

We originally employed Goodwin Watson as Chief of the Analysis Section of the Foreign Broadcast Intelligence Service (P-6, \$5,600) on November 17, 1941. His record showed that he was 42 years old, and a native of Whitewater, Wis.; that for the past 16 years he had been a member of the faculty

of Columbia University; and that he was widely considered to be one of the foremost social psychologists of the United States. He had enlisted as apprentice seaman and student of engineering in the Naval Training Corps, United States Navy, in 1918, and had served until honorably discharged. He had pursued graduate studies at the Union Theological Seminary; was an ordained minister of the Methodist Church; and had held pulpits in the Methodist Church in Parker-ville, Wis., the Washington Park Community Church in Denver, Colo., and the St. James Methodist Episcopal Church in New York City. Thereafter he was instructor in religious education at the Union Theological Seminary, and principal of its Union School of Religion; and from 1925 to 1931, he was director of research for the National Council of the Young Men's Christian Association. He was editor of the yearbook for the Psychological Study of Social Issues and also editor of the Journal of Social Psychology; and he had contributed widely to professional journals on subjects in his field. The post for which Watson was then under consideration involved the analysis of foreign propaganda; and hence we ascertained with particular care his foreign experience, which included study at the Universities of Berlin and Vienna and travel in Europe during periods totaling about 3 years.

Watson did not seek a job with the Commission; but rather, on the basis of the above data, the Commission sought Watson as the man best suited by professional education, training and actual practical experience in propaganda analysis to head its propaganda analysis section. Leaders in his profession unqualifiedly recommended to the Commission that Watson be appointed. The Watson appointment was approved by the Civil Service Commission.

From the beginning Watson's work proved eminently satisfactory, as attested by the opinion of his immediate superior, his associates, his subordinates, and representatives of the armed forces and of other Government agencies to which the reports of Watson's section were circulated.

Thus, for example, on July 29, 1942, the War Shipping Administration, Recruitment and Manning Organization, wrote to Watson: "The kind of material which you have sent over for our scrutiny is just what we are looking for. The examples you have marked seem to fall into four categories. These four, which are: news of survivors, news of ships sunk, news of shipping problems in the United States, and the morale of seamen, fit our problem exactly. I do not know how you can break these down so that your problem will be simplified. But, if it is possible, without too much trouble for you, the Recruitment and Manning Organization would certainly appreciate this service."

"The advantage of this material from our point of view is obvious. It gives us the foreign reaction, sometimes gives us information about approximate location of survivors, and gives us foreign propaganda in regard to United Nations' shipping."

On December 28, 1942, Mr. Nelson A. Rockefeller, Coordinator of Inter-American Affairs, wrote to the Director of the Foreign Broadcast Intelligence Service:

"As the year draws to a close, I would like to express our appreciation for the fine cooperation which the Foreign Broadcast Intelligence Service of the Federal Communications Commission has given to our Radio Division during 1942. The assistance of Dr. Goodwin Watson, Mr. Harold Graves, and Mr. John Gardner has been particularly helpful, and I hope you will convey to them our sincere gratitude."

Under date of July 15, 1942, the Chief of the Army General Staff, Military Intelligence Southern Section, European Branch, wrote:

"DEAR PROF. WATSON: The Vichy broadcast is exactly the kind of thing we want. Thank you very much for sending it and please be sure to send anything else of the sort."

On September 25, 1942, the Office of Strategic Services, Foreign Nationalities Branch, wrote to Watson:

"I want to thank your division again for its splendid cooperation on all matters of interest to us."

On September 11, 1942, the War Department General Staff, Military Intelligence Division, wrote to Watson:

"I am following up an informal inquiry made through my friend, Mr. Telford Taylor, concerning a recent item in your weekly bulletin dealing with Japanese cabinet changes. Mr. Taylor tells me that the coauthors of this item, which was much admired by this office, edit a weekly summary of limited distribution and, if it is permitted by your regulations, I would request that we be put on your list to receive this publication. If this is possible, the publication should be addressed to Colonel Carter W. Clarke, Chief, Special Service Branch, M. I. S., Room 3309, Munitions Building."

"Mr. Taylor also informed me of weekly luncheons on Wednesday, conducted by the authors of this study, and if it is permissible, I am sure that one or two members of our staff would like to attend. I am certain that Col. Alfred McCormack and I would be glad to avail ourselves of this opportunity."

These letters are typical of the favorable comments evoked by Watson's work from the various agencies to which it goes—State Department, Military Intelligence, Naval Intelligence, Office of War Information, Office of Strategic Services, Coordinator of Inter-American Affairs, Board of Economic Warfare, Lend-Lease Administration, Department of Justice, etc. Equally significant is the total absence of a single complaint from any of these agencies that Watson's work is in any way incompetent, biased, or subject to criticism in any other way. That any subversive matter could possibly have escaped the close scrutiny which these naval and military intelligence and other agencies give to Watson's work is inconceivable.

The Commission has also received many letters testifying to Watson's loyalty, competence, and integrity. For example, Wm. William F. Russell, dean of Teachers College, Columbia University, wrote on January 27, 1942:

"I have been dean of Teachers College for 15 years and during all of that time Professor Watson has worked under my administration. I know him very well."

"I can testify to the professional competence of Goodwin Watson for the work that he is doing for the Federal Communications Commission. I know that he was employed in this work upon the recommendation of the leading psychologists in the United States, who are competent to judge."

"I wish further to testify to the loyalty of Prof. Goodwin Watson to the Government and Constitution of the United States and to the American ideal and way of life."

"I make this statement not because of my personal affection for Professor Watson, nor by guesswork, but rather because my administration in Teachers College has been twice under attack by the Communist organization of New York City. This I definitely know. On each occasion Professor Watson openly supported me and my administration and opposed the position which I knew was taken under influence of Communist headquarters. On many social and educational questions I have not agreed with the position taken by Professor Watson, but I have never found him lacking either in competence or loyalty."

On January 28, 1942, Harold D. Lasswell, the expert witness called by the Department of Justice in sedition proceedings and cited by the Dies committee itself as an authority on subversive activities, wrote:

"That Professor Watson is a thoroughly loyal American, who has at no time been associated with the Communist Party, is a fact. However, Dr. Watson is an outspoken friend of democracy, willing to 'stick his neck out' on behalf of truth as he sees it. Several times, therefore, he has come in the open on behalf of unpopular causes. Sometimes this has meant that his associates were persons whose motives were less high-minded than his own; but no genuine American, accustomed to the rough-and-tumble of political life, expects to avoid strange bedfellows. These activities by Professor Watson testify to his character and integrity as a citizen of our democracy and should be regarded as evidence of his fitness for a responsible position in the service of the Nation."

Letters commending Watson's competence and loyalty were also received from the following:

Dr. George F. Zook, president of the American Council on Education and formerly United States Commissioner of Education; Prof. Mark May, director of the Institute of Human Relations, Yale University; Frederick L. Redefers, secretary of the Progressive Education Association; Prof. Frederick C. McLaughlin, University of Missouri; Mrs. A. W. Cleveland, president, Illinois State Division, American Association of University Women; Dr. Edward W. Jones, Director of Personnel, University of Buffalo; Dr. Arthur Upham Pope, New York; Jay A. Urlice, associate general secretary, National Council of the Y. M. C. A.; Prof. Arthur L. Swift, Jr., Union Theological Seminary; Prof. Hadley Cantril, Princeton University; Prof. Floyd Allport, Syracuse University; Prof. Gordon Allport, Harvard University; Prof. John Dollard, Yale University; Prof. Paul R. Farnsworth, Stanford University; Prof. Arthur I. Gates, Columbia University; Prof. James Gibson, Smith College; Prof. J. P. Guilford, University of Southern California; Prof. Donald W. MacKinnon, Yale University; Prof. Douglas McGregor, Massachusetts Institute of Technology; Prof. M. A. Merrill, Stanford University; Prof. H. A. Murray, Harvard University; Prof. L. M. Terman, Stanford University; Prof. Edward C. Tolman, University of California; Prof. Franklin Fearing, University of California; Prof. W. C. H. Prentice, University of Vermont; Prof. L. Joseph Stone, Vassar College; Profs. David A. Grant, Harry F. Harlow, Delos D. Wickens, and W. J. Brogden, all of the University of Wisconsin; Prof. L. M. Hanks, Jr., University of Illinois; Prof. J. B. Rhine, University of North Carolina; Prof. Arthur W. Kornhauser, University of Chicago; Prof. A. R. Gilliland, Northwestern University; Prof. S. Stanfield Sargent, Barnard College; Prof. Daniel Leary, University of Buffalo; Prof. Margaret S. Quayle, State Teachers College, Buffalo, N. Y.; Profs. K. W. Oberlin and Mary Henle, University of Delaware; Prof. Irving E. Bender, Dartmouth College; Prof. Robert R. Sears, University of Iowa; Prof. Ray H. Simpson, University of Alabama; Profs. Horace English, Sidney Pressey, Carl Rogers, Harold Edgerton, Francis Robinson, Floyd Dockeray, Robert Williams, Francis Maxfield, Harold Burr, and Henry Goddard, all of Ohio State University; Prof. T. F. Lentz, University of Washington; Prof. Leo B. Fagan, St. Louis University; Prof. J. F. Dashiell, University of North Carolina.

RECORD OF FREDERICK L. SCHUMAN

Frederick L. Schuman was employed by the Commission on October 21, 1942, as a principal political analyst (P-6, \$5,600) in the Foreign Broadcast Intelligence Service. His record showed that he was 38 years old, and was born in Chicago, Ill. He was graduated from the University of Chicago in 1924, and had received his doctor's degree in political science in 1927. He had been employed by Butler Brothers and by Marshall Field & Co., and subsequently he was instructor and assistant professor in political science and international relations

at the University of Chicago. Since 1936 he had been Woodrow Wilson Professor of Government at Williams College, Williamstown, Massachusetts; and he had been visiting lecturer in international relations at Harvard University and at the University of California.

Various letters of recommendation were received concerning Schuman. For example, Maj. Paul Birdsall, of the War Department General Staff, Military Intelligence Division G-2, wrote:

"I regard Dr. Schuman as a brilliant analyst of international relations and almost a pioneer in his diagnosis of the danger to this country and the entire world in the Nazi developments in Europe since about 1934. He combines with his intellectual qualities a loyal and honest character devoted to democratic principle and service of this country. In ability and loyalty I can think of no candidate better qualified for the post in your organization which you describe."

Beardsley Ruml, treasurer of R. H. Macy & Co., Inc., wrote concerning Schuman:

"I have no hesitancy in commending him from the standpoint of loyalty, judgment, and trustworthiness. In fact, as a person to do a penetrating job of analysis, I can think of no one who would be Dr. Schuman's equal."

Harold D. Lasswell, the expert witness called by the Department of Justice in sedition proceedings and cited by the Dies committee itself as an authority on subversive activities, wrote:

"There is no question of Dr. Schuman's thorough loyalty to the ideals of our country. He is a man of the highest personal integrity and is in every way an outstanding citizen and specialist."

"I think you would be very fortunate to secure the assistance of Dr. Schuman in the extremely important and delicate work that you have in hand."

Charles E. Merriam, of the department of political science of the University of Chicago, wrote:

"I am writing to say that I have the very highest regard for Dr. Schuman's loyalty, judgment, and trustworthiness."

Letters of recommendation were also received from J. P. Comer, chairman of the department of political science, Williams College, Williamstown, Mass.; Richard A. Newhall, Williams College; Walter B. Smith, chairman of the department of economics, Williams College; Donald E. Richmond, chairman of the department of mathematics, Williams College; John Hawley Roberts, chairman of the department of English, Williams College; Edgar A. Mowrer, Office of War Information; Tyler Dennett, Pulitzer prize biographer and former president of Williams College; Edgar J. Nathan, Jr., president of the Borough of Manhattan, City of New York; Robert R. Brooks, Office of Price Administration; and James P. Baxter, 3d, Deputy Director of the Office of Strategic Services.

Schuman's work is deemed excellent by his superiors, his associates, and his subordinates. As in the case of Watson, no criticism has ever been received from Military Intelligence, Naval Intelligence, or any of the other Government agencies which regularly scrutinize his work.

RECORD OF WILLIAM E. DODD, JR.

On December 1, 1941, we employed William E. Dodd, Jr., as editorial assistant (CAF-7, \$2,600) in the Foreign Broadcast Intelligence Service. Dodd's record showed that he was 36 years old and a native of Virginia; that he was a graduate of the University of Chicago; and that he held a master's degree from Harvard University. He had taught English, American and European history at the University of North Carolina and at William and Mary College. He was especially qualified for reporting on foreign broadcast material by virtue of the fact that he held a doctor of

philosophy degree from the University of Berlin; that he had served as secretary to his father, the late American Ambassador to Germany, during the ambassadorship; that he had edited his father's official diary for publication; and that he was versed in both French and German.

As in the cases of Watson and Schuman, it is significant that no criticism has ever been received concerning Dodd's work from any of the intelligence or other agencies which regularly scrutinize his reports.

The quality of the work of the three men under consideration is indicated by a memorandum, dated February 6, 1943, from Robert D. Leigh, Director of the Foreign Broadcast Intelligence Service. Dr. Leigh wrote:

"As Director of the Foreign Broadcast Intelligence Service during the last 7 months, I have been directly responsible for recommending to the Federal Communications Commission the appointment to our staff of Dr. Frederick Schuman, for recommending an increase of salary for Dr. Goodwin Watson as reclassified by the Civil Service Commission, and for recommending assignment of Dr. William E. Dodd, Jr., to our London office. I am glad to assume full responsibility for these recommendations. Each was made after full and careful investigation regarding fitness for the post designated.

"The removal of any one of the three would result in a direct reduction in the efficiency and quality of the modest but essential war activity carried on by the Foreign Broadcast Intelligence Service. The loss would be felt by the military, diplomatic, and war information agencies we exist to serve.

"I have examined all the evidence in our own files regarding Watson, Schuman, and Dodd, and all that has been yet made available to us by members of the Dies committee. It makes a clear, consistent pattern of people who because of close contact with, and exhaustive study of, the European scene (Dodd from the vantage point of the American Embassy in Berlin, Schuman and Watson from frequent visits to the Continent throughout the twenties and thirties) saw earlier than many of their fellow countrymen the rising menace and warring plans of the Nazis, Italians, and Japanese. They strove by speech, by writing, by cooperation with any and every group working toward similar ends to arouse their fellow countrymen to prevent the oncoming struggle by organizing with anti-Fascist nations a strong system of collective security. They advocated boycott of Japanese goods to aid China; they advocated aid to the Spanish Loyalist Government against the German-and-Italian-aided Franco government; they favored Russian anti-Nazi policy and then they roundly condemned Russia when the Russian-German pact of 1939 was signed and Russia subsequently invaded Finland.

"They were actively and aggressively trying to prevent the catastrophe of war by arming us materially and morally against the Nazis and Fascists. This is their record. They spoke at meetings with people of different beliefs—but always for the objectives outlined above. It was no fault or dereliction of theirs, but a historical accident that Communists in the United States during this period of the thirties were equally active against the Nazis and Fascists.

"To me such a record indicates political background and insights which recommend an expert for a position editing or analyzing enemy broadcasts in time of war rather than to disqualify him. I know the work, background, and character of these men well enough to feel that there is almost no likelihood of any additional evidence changing the

essential picture, although evidence on any member of our staff is always welcomed.

"The purpose in writing this memorandum is to indicate my judgment as a responsible officer in charge of this Service, that Drs. Watson, Schuman, and Dodd are very well qualified for their posts, that they are using their expert knowledge skillfully, honestly, and faithfully in behalf of the war effort in this sector, and that their removal from the Service would be a direct, serious blow to our essential operations—let alone morale."

REPORT OF THE SPECIAL SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS ACTING PURSUANT TO HOUSE RESOLUTION 105, SEVENTYEIGHTH CONGRESS, FIRST SESSION, DATED APRIL 21, 1943

We now have before us the report of the above subcommittee. This report finds that Watson is unfit for the present to continue in Government service, that there is not sufficient evidence concerning Schuman to support a recommendation of unfitness to serve in the employment of the Government at this time; and that Dodd is unfit for the present to continue in Government service.

Unfortunately, we have been unable to determine with any precision the grounds for the subcommittee's findings. Our general counsel was directed to attend the hearings before the subcommittee as an observer for the Commission, but permission to attend was refused him by the subcommittee. The testimony was in closed session. No transcript of the testimony has been made available. Nor do the general comments prefixed to the subcommittee's report aid us further.

The subcommittee states that this Nation has achieved its greatness through the ideals and philosophy of freedom written into its charter and Constitution; that it takes pride in those people who have always been and are now willing to offer their lives to protect these inalienable rights so well defined in our Declaration of Independence, those rights and duties which have made us great and strong and which we will never willingly surrender; that the Constitution of the United States rests upon public opinion; and many other statements of like purport with which we are in the fullest possible agreement.

The subcommittee also supplies a definition of subversive activity:

Subversive activity in this country derives from conduct intentionally destructive of or inimical to the Government of the United States—that which seeks to undermine its institutions, or to distort its functions, or to impede its projects, or to lessen its efforts, the ultimate end being to overturn it all. Such activity may be open and direct as by effort to overthrow, or subtle and indirect as by sabotage.

The general comments contained in the subcommittee's report, however, fail to specify wherein Watson and Dodd have run afoul of this definition, or wherein Schuman has avoided its bans. Was Watson's and Dodd's conduct destructive of the Government of the United States, or was it on the other hand inimical to the Government of the United States? Did they seek to undermine its institutions? Or did they seek to distort its functions? Was their activity open and direct as by effort to overthrow? Or was it on the contrary subtle and indirect as by sabotage?

No answers to these questions are afforded by the subcommittee. The subcommittee report states that Watson has admitted association or affiliation with 12 or more organizations which it lists, but it fails anywhere to define either "association" or "affiliation." The kind of contact which the subcommittee includes under "association" or "affiliation" however, is indicated by the following examples:

International Workers Order

Watson states that he is not now and never has been a member of this organization and that he does not know its officers or activities. He states that he does not remember any activity whatever in connection with the International Workers Order, but that if, as alleged, he agreed to sponsor some contest which they promoted to provide recreation for children, he would certainly have cooperated in any legitimate attempt to provide better play opportunities for underprivileged children. This admission hardly appears to be a ground for the statement that Watson admits association or affiliation with the International Workers Order.

The League of American Writers

Watson states that his only connection with this organization was to contribute an article entitled "Anti-Semitism in American Psychology," to a book designed to promote better race relations. On this basis he is said to have admitted association or affiliation with an organization of which he is not and has never been a member.

American Committee for Democracy and Intellectual Freedom

Watson states that he sponsored a meeting held at Carnegie Hall in New York to oppose a measure then being considered by the New York State Legislature to reduce appropriations for public schools; and that as an educator and strong believer in the American public-school system, he was opposed to any reduction in appropriations which would impair the efficiency of the public schools; and that this was his sole interest in the matter and his sole contact with the organization with which he is said to have admitted "association or affiliation."

The subcommittee report states that "a number of these organizations have been designated by the Department of Justice as 'front organizations' and others as 'questionable.'" It does not state which of these organizations have been found to be "front" organizations, which have been found to be "questionable," or which have been found to be neither. Nor does it find that Watson maintained an "association or affiliation" with any of these organizations after the Department of Justice had published any findings. The question thus arises whether Watson, a private citizen without the Department of Justice's facilities for research and investigation, is expected to foresee in advance a determination by the Department of Justice which he could hardly have reached by his own efforts.

The subcommittee points out that the organizations with which it is alleged Watson was or is associated or affiliated "have not been adjudged by the courts or by Congress as subversive," but adds that the "court of public opinion" of the United States has passed judgment upon them and has found them subversive and un-American. "We hold public opinion in high regard, and we believe that the conclusion of public opinion over a period of a century and a half has been that men shall be afforded due process and not convicted upon the basis of rumor or public opinion.

The Constitution establishes legislative, executive, and judicial branches of the Government, each with its own powers, and guarantees to all persons due process of law. Nowhere does the Constitution sanction trials before a so-called court of public opinion by which the committee has found Watson unfit.

Moreover, there is good reason to believe that public opinion has not in fact passed judgment upon the organizations listed in the subcommittee report and found them subversive or un-American. For example, among the persons who have had "association:

or affiliation" identical with Watson's association or affiliation with one or more of the 12-named organizations are Henry A. Wallace, Vice President of the United States; Associate Justice Robert H. Jackson, Supreme Court of the United States; the Honorable Harold L. Ickes, Secretary of the Interior; Representative John M. Coffee, State of Washington; Thomas E. Dewey, Governor of the State of New York; William Green, president of the American Federation of Labor; Lewis E. Lawes, former warden, Sing Sing Penitentiary, and Dorothy Thompson, noted columnist and commentator; all of whom, like Watson, contributed statements on anti-Semitism to the publication of the League of American Writers entitled "We Hold These Truths."

Also, Professor Irving Fisher, Yale University; Professor Harold Urey, Nobel Prize winner; President Emeritus William Allen Neilson, Smith College; Dr. Henry Smith Leiper, foreign secretary, Federal Council of Churches of Christ in America; and Oliver LaFarge, well-known writer; all of whom, like Watson, filed an open letter on the Dies committee sponsored by the National Emergency Conference for Democratic Rights.

Also, the then presidents of the Milwaukee State Teachers College, Atlanta University, the University of Wisconsin, Hobart and William Smith Colleges, University of Minnesota, Colorado State College of Education, Western College, University of Louisville, University of Newark, and the presidents emeritus of Smith College, Northwestern University, and Mt. Holyoke College; all of whom, like Watson, filed a petition to discontinue the Dies committee on behalf of the American Committee for Democracy and Intellectual Freedom.

It should be noted, that in addition to the 12 organizations which which Watson is allegedly associated or affiliated, he is or was actually a member, in good standing, of the following:

- American Association for the Advancement of Science.
- American Association for Applied Psychology.
- American Association of University Professors.
- American Civil Liberties Union.
- American Education Research Association.
- American Farm Bureau Federation.
- American Federation of Teachers.
- American Orthopsychiatric Association.
- American Political Science Association.
- American Psychological Association.
- American Red Cross.
- American Society for Public Administration.
- American Sociological Society.
- Automobile Club of New York.
- Child Study Association of America.
- Citizens Union of City of New York.
- Consumers Union.
- Cleveland Conference (Educators).
- Committee for National Morale.
- Foreign Policy Association.
- Hamilton's School (director).
- Institute for Propaganda Analysis.
- Methodist Church.
- Morningside Consumers Cooperative.
- National Conference for Social Work.
- National Education Association.
- National Geographic Society.
- National Planning Association.
- National Society of College Teachers of Education.
- New America.
- Progressive Education Association.
- Religious Education Association.
- Scholia Club.
- Spring Conference (Educators).
- Society for Psychological Study of Social Issues.
- Young Men's Christian Association.

The subcommittee finds that Watson "for several years past has associated himself on many and frequent occasions with men

* * * whose aims and purposes were subversive to this Government, and has associated with men who advocated the overthrow of this Government." These men are nowhere named nor is his relation to them stated.

The subcommittee also finds that Watson wrote for several magazines reputedly controlled by subversive interests but fails to indicate that these magazines are in fact so controlled. Watson stands convicted of disloyalty to his country in time of war. It is true that the offense, as phrased by the subcommittee, does not require infliction of the physical punishments imposed for treason; but, without accepting the subcommittee's findings that either he or the organizations listed have been convicted in the "court of public opinion," public opinion is invoked to administer the punishment. To a citizen of even ordinary self-respect and sensitivity such punishment may be as harsh, if not harsher, than the physical punishments imposed by courts of law. We do not believe it is right, fair or in accordance with the spirit of the Constitution to convict on rumor or mere repute.

The subcommittee further finds that in his writings Watson has "made unfavorable comparisons between other governments and our Government," and that he has "criticized our capitalistic and profit system and advocated its overthrow." It cites no specific quotations, nor does it indicate that it has measured his writings by the constitutional yardstick of a free press.

It is not necessary that we should agree with or endorse everything that Watson has written in his more than 200 publications, nor is it likely that he himself retains all of his former views. But, as the courts have held, writings must be "considered as a whole" (*Cain v. Universal Pictures Co.*, 47 F. Supp. 1013, 1017), and not by means of isolated fragments torn from their context (*U. S. v. Levine* (83 F. (2d) 156)). It does not appear from the subcommittee report that Watson's writings, taken as a whole or in context, transgress in any way the right of free speech guaranteed by the Constitution or indicate any disloyalty to the United States or its form of government.

The subcommittee states that it has not found sufficient evidence for a recommendation against the fitness of Schuman.

With respect to Dodd, the subcommittee finds that he once belonged to the American League for Peace and Democracy but resigned in 1940; that he belongs to the Washington Book Shop; that he once entertained Harry Bridges; and that he lectured under the auspices of or was associated with "a long list of organizations," further unspecified. Among the organizations under whose auspices he lectured or with which he was associated were the following:

- Methodist Church, Williamsburg, Va.
- International Association of Sales Executives, New York City.
- Institute of Public Affairs, Charlottesville, Va.
- Loudoun County Junior Board of Trade, Leesburg, Va.
- Women of Duke University, under the auspices of the Young Women's Christian Association, Durham, N. C.
- Foreign Affairs Forum, Reading, Pa.
- Central Bergen Unit in Adult Education, Leonia, N. J.
- Book and Authors' Luncheon of the Herald Tribune Forum, New York City.
- Lions' Club, New York.

In the light of the foregoing, we find no basis or reason for the dismissal of Watson, Schuman, or Dodd from employment by the Federal Communications Commission.

(Mr. COFFEE asked and was given permission to revise and extend his own remarks.)

Mr. CANNON of Missouri. Mr. Chairman, I yield to the gentleman from Montana [Mr. O'CONNOR] to extend his remarks.

[Mr. O'CONNOR addressed the Committee. His remarks will appear hereafter in the Appendix.]

(Mr. O'CONNOR asked and was given permission to revise and extend his remarks.)

Mr. TABER. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, the issue before the House this afternoon is whether or not certain individuals now on the Federal pay roll, holding responsible key positions in government, are fit and proper persons to hold such positions. They were appointed. They were not elected by the people. They hold office under the President in his executive department of government.

A committee was appointed by the House of Representatives consisting of three Democrats and two Republicans, of which the distinguished gentleman from North Carolina, Judge KERR, was made chairman to investigate and examine the records and the philosophies and statements of the persons in question.

That committee acting as the agent of this body has reported unanimously that the individuals named are not fit to hold their positions in the Government and their removal from the Federal pay roll is recommended.

This situation, in my judgment, presents a sad commentary on the present administration under our form of government. The great Congress of the United States, elected by the people and directly responsible to the people, finds it necessary to select a committee to examine the records of those holding key positions in the Government whose loyalty to our form of government is doubted, must suspend or defer other legislative duties to the country for 2 hours to pass upon the question presented.

Who is responsible for such a condition? We all know that the President of the United States—and I believe it is fair to say so—cannot personally know the record and background, the utterances, and philosophies of every individual on the Federal pay roll in the 3,000,000 now registered, or even 2,000,000, or 1,000,000, or 500,000, or even 100,000. But I believe the President is responsible in failing to instruct the policy-making officials in his department, appointed by him, to see to it that men and women who have no sympathy with our form of government, who are known to entertain radical and subversive ideologies directly opposite to the free institutions of our Government, should not be appointed to places of trust and responsibility in our Government, or any other place for that matter, at public expense. As a matter of fact, the people who entertain and who are publicly known to be radical in their views and subversive in their activities, whether communism, fascism, or any other "ism" opposed to the American system of government, have been unduly encouraged by officials high in this administration

and under the present administration, in their attitude and so-called liberalism and all at Government expense.

When this country was going through its darkest night in an effort to form a government of freedom, which we now enjoy, it was Washington who gave the order that none but Americans should be placed on guard. The country was then at war to achieve its independence. Now the Nation is again at war—a war which threatens the very destiny and fate of the American people; a war to preserve this land of freedom and justice. It is as crucial and critical an hour as the darkest hour at Valley Forge, and there is just as much reason that those who serve the Government now should be as loyal and devoted to the American people and their Government as the devotion and loyalty demanded by Washington when he insisted that "none but Americans be placed on guard."

The people of this Nation are losing faith in those who guide the Nation when a spectacle of the kind presented to the House this afternoon is brought to their attention. The men and women who serve the Nation in this hour should be of such unquestioned loyalty as to make it unnecessary to take the action we are about to take today.

Not only the individuals we are to pass on within a few minutes, but all others whose records should even raise a question as to their devotion to the cause of the United States, should be removed by the administration at once without making it necessary for the Congress of the United States to remove them from the pay roll in order to get rid of them.

(Mr. DONDERO asked and was given permission to revise and extend his own remarks.)

Mr. CANNON of Missouri. Mr. Chairman, I yield to the gentleman from California [Mr. HOLIFIELD] to extend his remarks.

WAS THOMAS JEFFERSON SUBVERSIVE?

Mr. HOLIFIELD. Mr. Chairman, during the hearings of the Treasury appropriation bill, an amendment was offered which provided that none of the funds appropriated should be used to pay the salaries of 39 individuals. After 3 days of debate, this general indictment of 39 people without proper presentation of testimony or proper trial was refused by a majority vote of the House.

The Kerr subcommittee of the Appropriation Committee was authorized by House resolution to thoroughly investigate these accused people and bring back a report to the House. This report has been made and an amendment offered to the current appropriation bill in which three men are indicted as guilty of subversive activities. The committee in its report further states that not having a legal definition of "subversive" they were constrained to set up their own definition of the meaning of this word.

I do not wish at this time to criticize the honesty of the Kerr committee. I believe all the members of the Kerr committee are honest, conscientious Members of the House. Several of them have expressed their regret at their being instructed by the House and appointed by the Speaker to do this job.

I do not know whether these three men are loyal American citizens or not. I do not believe that such a determination is the prerogative of a Member of Congress or a committee thereof. The transcript of the testimony before the committee was withheld, or unavailable, to the general membership until the time of voting. We were asked to vote on a punitive legislative amendment which was directed against three individuals. In my opinion, any legislation passed by Congress should be general in its impact and not directed either for or against an individual. The civil and Federal courts are the proper places to determine the punishment of an individual. I believe this legislative rider on an appropriation bill is an attempt to punish three individuals. I believe that any punishment of individuals is clearly the prerogative of the civil and Federal courts of our Nation.

In this time of war hysteria it is the solemn duty of every representative of the people to defend the civil liberties of our citizens. It is a time when the three branches of government should be maintained inviolate. We have given up many of our civil privileges as a necessity to the war effort, but we should be on guard for the first attack on the Bill of Rights, even if that attack is instituted and authorized by a congressional resolution.

In the speech of one member of the Kerr committee [Mr. KEEFE], certain passages of writings of Goodwin B. Watson were read such as:

Gradualism has always failed . . . and only the sharp break brings promise of success.

He elaborated at great length and interpreted the meaning of "sharp break" according to his own ideas of what Mr. Watson meant. I respectfully request the gentleman from Wisconsin to compare those writings upon which he condemned Mr. Watson as being subversive, with the following principles which occur in the letters of Thomas Jefferson to James Madison, Mrs. John Adams, and W. S. Smith under date of 1787:

I hold it that a little rebellion, now and then, is a good thing, and as necessary to the political world as storms are in the physical. (To James Madison, Paris, 1787.)

The spirit of resistance to government is so valuable on certain occasions, that I wish it to be always kept alive. It will often be exercised when wrong, but better so than not to be exercised at all. (To Mrs. John Adams, Paris, 1787.)

What country can preserve its liberties if its rulers are not warned, from time to time, that the people reserve the spirit of resistance? Let them take arms. The remedy is to set them right as to facts, pardon and pacify them. (To W. S. Smith, Paris, 1787.)

After comparing the above writings with those of Mr. Watson, I wonder if the gentleman from Wisconsin and the other members of the Kerr committee would not agree that these writings of Thomas Jefferson, the author of the Declaration of Independence and the Bill of Rights, is not stronger and more revolutionary language than the writings upon which they have condemned Mr. Watson and punished him by separating him from his livelihood.

(Mr. HOLIFIELD asked and was given permission to revise and extend his own remarks.)

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, I shall not discuss the question of procedure, or constitutional questions, except that on the question of procedure I wish to point out that while we may not be sitting here strictly as jurors, we are sitting here as legislators considering an amendment to an appropriation bill. This amendment comes before us as a result of hearings. We have not been furnished with hearings as is done with all legislation, and we have before us nothing but the report of the subcommittee and statements made by the members who constitute that subcommittee. I repeat, we do not have before us the hearings. I do not question the veracity of these gentlemen on the committee; I do, however, question their construction and interpretation of the words and writings of these people whom we are asked to purge from the Government pay roll.

We are adopting a most unusual procedure here in that no Member of this House has before him the hearings on these cases so that he as a legislator can study them and pass upon the merits of the issues involved.

We have a most fantastic situation. We are to vote on an amendment to an appropriation bill, to expel three people from the Federal Government without a single word of the hearings before us. All we have before us is what we are told by the gentlemen who are on the committee. How can any Member do justice to these men without having before us what they said to the committee in their own defense?

Something more fundamental is involved here, however, and that is that the issue which we have before us is as old as the history of our own Nation. Five minutes do not permit me time enough to review the entire question and its history, but it is the age-old conflict between those few who have concentrated wealth and power in their hands, and the common people who have been opposing the abuses of the concentration of wealth and power. It is the age-old contest between the forces of freedom and tyranny. This same struggle was the heart of the conflict between President Adams and Hamilton on one side and Jefferson on the other. Then as now those who controlled concentrated wealth sought to restrict and limit the democratic processes by oppressive legislation so as to bar from public office and prescribe from the public forum the men and women of that period who challenged, criticized, and fought in the interest of the common people—the few who had concentrated wealth and power in their hands, and who were using it to exploit and impoverish the masses of Americans who had fought for freedom and equality.

Today again we are dealing with the few who control monopoly capital.

During the debate yesterday, through the fog of constitutional and legalistic arguments there emerged one honest, forthright statement, and that was the one made by the gentleman from Illinois [Mr. DIRKSEN] who stated what motivates his support of this amendment; and that is that he felt that these three Federal employees in their attitude and in their conduct were challenging the status quo which the gentleman from Illinois has been consistently advocating in this House, a status quo of monopoly capital, the status quo of the concentration of wealth in the hands of the few, the status quo of the Government by the rich and the well born; and that therefore they should be removed from the Government pay roll. It is precisely because these men took that attitude, that they are now being thrown off the pay roll.

What method do we employ for this new suppression? We inveigh against them the charge of subversiveness. Hitler used the Reichstag trial, he used the Communist bogey the same pattern that we employ here for the present restriction and subsequent destruction of democratic rights.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TABER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. MARCANTONIO. Mr. Chairman, the spokesmen of monopoly capital have always used this device to restrict and destroy democratic rights, so as to strangle that freedom of thought and criticism which is so necessary for the common people to beat down and defeat the evils of concentrated wealth and monopoly capital. The committee uses the term "subversive." Has anyone established that these men have actually done anything toward or advocated the overthrow of the Government by force and violence? No one can do it. Their only crime has been that of associating with organizations that have been militantly anti-Fascist. What is subversive about defense of democratic rights, or defense of labor, or boycott of Japan, or aid to China? That is exactly the nature of the activities of these organizations. It is because of the anti-Fascist character of these organizations that we find this enmity against these Federal employees on the part of many who support this amendment.

The only thing that Dodd, Watson, and Lovett have advocated has been the overthrow of fascism, and this Congress, the Senate, and the President of the United States, and 5,000,000 soldiers, and 130,000,000 Americans today are advocating the overthrow of the Hitler government, the Mussolini government, and the Hirohito government by force and violence. We are making the most tremendous collective effort in history with which to do that. But you use the word "subversive." By that you mean opposition to fascism and to the evils of monopoly capital. Thus you take the position of Hamilton; you take the position of the Tory of yesterday, and the domestic Fascist of today. You take the position of those who have sought to destroy the democratic process and establish fascism just as it occurred in Italy and in Germany.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. MARCANTONIO. Mr. Chairman, as I was saying, we are using this device of charging anti-Fascists with being subversive to take away from the common people their freedom of expression, their freedom to exercise their democratic rights to challenge and criticize the injustice of monopoly capital and to destroy the evils that result from it. In Germany they used the same formula. They used the Communist bogey, they used that vehicle to first destroy the Communists, then destroy the Jews, then destroy labor, then destroy the Social Democrats, then destroy the liberals and so on down the line to the Protestants and the Catholics. Here we are today repeating the same formula. Consciously or unwittingly we are using the same vehicle and traveling the same tragic road. We are using the Communist bogey, we are using the term "subversive" to destroy the Communists, then to destroy the liberals, then labor and all the way down the line, thereby establishing domestic fascism in these free United States. The decision of this Committee I am confident, will be overruled by the American people who are today engaged in this anti-Fascist war. To them their task is clear; the overthrow of fascism all over the world including domestic fascism in these United States. They are resolved that with the extension of democracy all over the world our own democracy must be preserved in these United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, I do not believe that the gentleman from New York has stated the issue before the House correctly. In order to oppose with all our might and with all our moral force this ugly specter of fascism in Europe I do not believe we have to embrace one equally as ugly, which is the Communist philosophy and faith.

Let us see what the precise issue before the House is today. The issue is whether or not we as Americans are going to permit people on the Government pay roll whose professed philosophy as evidenced by their writings is that this form of government should be overthrown and that we should have a revolution of violence. Can we not confine ourselves to that precise issue without attempting to become emotional in our discussion? I personally would not be in favor of burning the books published by these men, I am not in favor of putting them in jail for their ideas, but as a representative of the people I think that I certainly have the right to say that we are not going to turn the Government of this country over to the enemies of the country, over to people who say that our form of government is rotten and that the only way it can be cured is by a class revolution.

In my opinion, some of the gentlemen on my own side of the House who have

voted along what might be called liberal lines are wasting their sympathy on these men that we intend to dismiss from the pay roll. I do not doubt that some of these employees have been competent servants insofar as the duties of their particular positions go, I think they are probably very intelligent, but I am rapidly coming to the opinion that brilliance of intellect is not sufficient in the Government unless you have that brilliance of intellect harnessed to good, ordinary, common American sense, unless you have this brilliance of intellect tempered by a love and understanding of our institutions. I do not feel that such people are capable of guiding the destinies of this great Republic at the present time in which revolution is in the air, at this time when our very existence is being threatened.

I voted against the Dies committee because I felt that the Dies committee had accused a lot of people of subversive activities who were not guilty of those activities, who were merely liberal; but now we have a committee that has been set up in this House, the Kerr committee, and I agree with those who have praised the personnel of this committee. They are probably some of the finest men in the House. They are not witch hunters, they are not people who are trying to prosecute somebody. They are trying to do a task honestly and fairly, and I thoroughly believe the gentleman from North Carolina [Judge KERR] when he said that it is an unpleasant duty to brand some person and remove him from the pay roll because he is unpatriotic. He knows full well that this stigma will follow the man down through his life. But we are faced with that stern obligation. Are we going to refrain because of the fact that we do not want to do an unpleasant act or one that is harmful to an individual? Are we going to refrain from dismissing from our pay roll and from the seat of our Government those people who are the enemies of our Nation? For my own part I do not intend to refrain from doing my duty and I shall support the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TABER. Mr. Chairman, I yield such time as he may desire to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ROBSION of Kentucky. Mr. Chairman, we have before us for consideration the Kerr amendment, offered by the gentleman from North Carolina, Hon. JOHN H. KERR, Democrat, chairman of the special subcommittee of the Appropriations Committee of the House. This amendment proposes to strike from the pay rolls of the Government Dr. Goodwin D. Watson, of New York City, chief analyst, Foreign Broadcast Intelligence Service, United States Federal Communications Commission, whose salary is \$6,500; Dr. William E. Dodd, assistant news editor, Foreign Broadcast Intelligence Service, United States Federal Communications

Commission; and Dr. Robert Morss Lovett, United States Government Secretary of the Virgin Islands, under the Department of Interior, who is receiving \$5,800 a year.

One or more committees created by the House of Representatives in making investigations of subversive activities on the part of persons living in this country and those on the pay roll of the United States Government, covering a period of several years, reported that hundreds and hundreds of persons who do not believe in our American way of life and belong to one or more subversive organizations have been and are holding important positions in the United States Government.

This investigation was confirmed by an investigation made by the F. B. I., and many disclosures were made by the Department of Justice, but only a very few, if any, persons who were charged with these subversive activities have been separated from the Government pay roll. Scores of them hold important key positions in the Government today.

The Congress has from time to time warned these various departments, bureaus, and agencies of its wishes that all such persons be discharged, but these warnings have gone unheeded. Finally the House adopted a resolution which authorized the Appropriations Committee of the House to make investigations and to determine how many, if any, of such persons were still on the pay rolls. The Dies and other committees report there are about 3,000 persons belonging to subversive groups on our pay rolls.

The Appropriations Committee of the House appointed a special subcommittee of their number, headed by the Honorable JOHN H. KERR, of North Carolina, to make a special investigation, and Mr. KERR was ably assisted by our colleagues, Mr. GORE, Democrat, of Tennessee; Mr. ANDERSON, Democrat, of New Mexico; Mr. FOWERS, Republican, of New Jersey; and Mr. KEEFE, Republican, of Wisconsin. Judge KERR served for many years as a circuit judge in North Carolina. All of the other members of the committee are men of splendid ability, honest, and fair.

They investigated Dr. Watson, Dr. Dodd, and Dr. Lovett, as well as others, and were of the unanimous opinion that these three public officials were connected with a number of front organizations, or subversive groups, and were not suitable persons to be in the employ of the Government.

The amendment before us proposes to strike their names from the pay rolls of the Government. All of them appear to have been "joiners." Dr. Watson admitted associating or affiliating with 12 or more of these organizations. A number of the organizations to which Dr. Watson belonged have been found and designated by the Department of Justice as front organizations and others as questionable.

What we understand by front organizations are organizations with fine American names, such as American League for Peace and Democracy, American Youth Congress, Descendants of American Revolution, National Emergency Conference for Democratic Rights, and so forth, but

which are, in truth and in fact, merely fronts for the Communist Party or some other subversive group in this country. They are officered or controlled by the Communists or other subversive groups.

Dr. Watson, as pointed out, admitted associating or affiliating with 12 or more of such organizations, and this committee's report points out Dr. Watson associated with various subversive groups who advocated the overthrow of this Government; in fact, one of the great objections to the Communist Party is it has always advocated the overthrow of this Government by force and violence.

Dr. William E. Dodd admitted he associated or affiliated with a number of front organizations; in other words, with organizations affiliated and controlled by the Communist Party. He, too, has associated with persons who have actively affiliated with the Communist front organizations.

Let us keep before us the fact that Dr. Watson is Chief Analyst of the Foreign Broadcast Intelligence Service of the United States Federal Communications Commission, and that Dr. Dodd is Assistant News Editor of the Foreign Broadcast Intelligence Service of the United States Federal Communications Commission. Anyone can see at once that these men occupy key positions in our Foreign Intelligence Service. They could do this country immeasurable harm. Memberships in these front and other subversive organizations and their writings and letters clearly indicate they do not believe in the American way of life. Many of these organizations and associations and other subversive groups have been and still are advocating the overthrow of this Government by force and violence.

Dr. Lovett is holding an important position as United States Government Secretary in the Virgin Islands, one of our colonial possessions and outposts.

I am not personally acquainted with either one of these men. I know something of some of their writings and activities, and the gentleman from North Carolina, Judge KERR, and this committee has, after thorough investigation, definitely found and so stated in their written signed report that these men are connected with these front organizations and these subversive groups, and that they are unfit to serve our Government in this critical period.

No one should be on the pay roll and have their support out of the pockets of the taxpayers of this Nation, and be in position to do great harm to this country if they desire, who do not believe in our American way of life, in our Constitution, and American ideals. Such persons should not hold positions in this Government in time of peace, and they certainly should not have such key positions in time of war, and therefore, I shall vote for the Kerr amendment to remove each one of these men from the pay roll.

THE ADMINISTRATION FAILED TO ACT

It is most unfortunate that the Congress must take the time and incur the expenditure of thousands of dollars to investigate and disclose the names of

persons in our Government service who do not believe in the American way of life and belong to associations and groups engaged in subversive activities and some of which advocate the overthrow of this Government by force and violence.

The Dies committee, the F. B. I., and other agencies of the Government have disclosed many of these persons holding important and key positions in the Government. In fact, the heads of various departments and bureaus were advised by the Civil Service Commission from time to time that many of these persons were unfit because of their beliefs and associations to hold these important positions of trust in our Government. With this knowledge, many of these persons were employed and hundreds and hundreds of others were retained on the pay roll, and now Congress must step in and do the job that the various departments, bureaus, and agencies in the executive branch of the Government should have done.

In fact, a number of those in high places in our Government have encouraged these front organizations. The First Lady of the land gave special encouragement to the so-called Youth Congress. Many of the officers and members of this front organization were identified with and active in the Communist Party. It was only recently that the First Lady of the land denounced this particular front organization. One of the serious objections to the activities of the Communists and other subversive groups in this country is that their identities, as far as possible, were concealed. They assume some fine, high-sounding, patriotic name and they carry on their subversive activities under the cover of this name. At one time it was found that more than 6,000,000 people in this country belonged to one or more of these front organizations and subversive groups.

We are in a great war. Millions of our fathers and sons are fighting on every land and on every sea to preserve our American way of life and uphold our Constitution and the ideals of the American people. As pointed out by the Kerr committee, we would not think of placing in command of any part of our fighting forces men who belong to these Communists and other subversive organizations and groups to lead our fighting men in this great war. In our opinion, we shall fail in our patriotic duty if we do not remove men, especially like Dr. Watson, holding these important key positions. Congress has time and again emphasized that in the employment of persons in continental United States, only American citizens should be employed, and even in the most humble positions no one should be employed who is a member of these front organizations or belongs to any subversive group.

We have Communist, Fascist, and Nazi fronts and groups. The Communist groups are much greater than any other. We brought on ourselves a lot of trouble when President Roosevelt, in 1933, renewed diplomatic and commercial relations with Russia. We opened the gates wide and told them to come in and they

did come in, and they did establish many of these front organizations which for a long time deceived the American people. President Wilson refused to recognize Russia because of the world-wide program of the Russian Communists to overthrow this and any other country that did not believe in or accept communism. President Harding followed the policy laid down by President Wilson, and so did President Coolidge and President Hoover. After President Roosevelt again recognized Russia, communism grew by leaps and bounds in this country. I have no quarrel with Russia's form of government whatever it may be. That is a matter for the people of Russia themselves. I do strenuously object however when they try to foist upon our people their conceptions of government. I have and shall continue to oppose with all of the vigor I have the placing of Communists, Fascists, or Nazis in public office and have them supported by the taxpayers of this country. We have plenty of loyal Americans to hold these positions, and at this particular time no one should hold these offices or be placed on guard except loyal Americans who believe in the American way of life.

If the way of life of the Communists, Fascists, and Nazis is so splendid and fine, may I suggest that Dr. Watson, Dr. Dodd, Dr. Lovett, and others go to those countries where they can sail under their own colors and receive their positions and pay from the people who believe in their philosophy of government.

In adopting the Kerr amendment, we are giving warning to the appointing officials of our Government to scrutinize carefully each appointee so that none but loyal Americans be placed on guard, and if they persist in following the course they have in the past, an amendment should be offered to cut off the salaries of those who are responsible for the appointment of men like Dr. Watson, Dr. Dodd, and Dr. Lovett.

Mr. TABER. Mr. Chairman, I yield such time as he may desire to the distinguished gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, I ask unanimous consent to extend my own remarks in the RECORD at this point.

The CHAIRMAN. Is there objection? There was no objection.

Mr. BURDICK. Mr. Chairman, many here bemoan the fact that a few Members have seen fit to raise the question of the constitutional right of the Congress to pass a law denying the salary of an officer and thus deprive him of his right to hold office. If ever there was a constitutional question involved in any legislation, it is involved in this amendment. One of the cornerstones of our democracy is attacked—the right of free speech and the freedom of the press. If free speech can be denied in this case, it can, by the same token, be denied in any case.

There is no question raised as to the general qualifications of the men involved. They are citizens of the United States, they are competent and capable of filling the positions they now hold. They have not been convicted of any crime. The sole charge against them is

that they have expressed opinions—either orally or in writing—which some Members of this Congress think makes it necessary for the Congress to deny them the offices which they now hold. There is no charge whatever that these men are guilty of treason or any other offense described in the statutes of the United States. Their sole offense is that they have expressed opinions that some Members think dangerous to our Government. I do not know these men. I have never seen them. Let us see what they have said or written that warrants this House in forcing them out of office.

The substance of what they said and wrote is that the capitalistic system in the United States is not a good thing. They said this system should be supplanted by some other system. There is no charge here that they have made any overt attempt to destroy any system in vogue in this country. They have simply stated that our present system ought to be replaced. That is their opinion and unless the expression of that opinion is accompanied by an attempt or by a conspiracy to overthrow the Government, they have merely exercised their right of free speech.

In *Schenck v. United States* (1918, 249 U. S. 47), Justice Holmes, delivering the unanimous decision of the Court, said:

We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it was done. * * * The most stringent protection of free speech would not protect a man in falsely shouting "fire" in a theater and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. * * * The question in every case is whether the words are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree.

When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no court could regard them as protected by any constitutional right.

In time of war many of the privileges we enjoy as citizens are revoked for the general good. But in this case there is no evidence that any of the statements or any of the writing occurred after we declared war. They were peacetime expressions and merely expressions of opinion not accompanied by any act to carry the opinion into execution.

If this Congress can deny the privileges of these citizens for expressing opinions, then anyone can be dealt with in like manner. If any citizen holding a position in this Government should happen to say or write something that a majority of the Congress did not like, then that citizen could be removed from office by a vote of Congress.

In my opinion—and I almost feel like apologizing for expressing this opinion for fear that my salary may be taken away—this Congress does not have the constitutional right to legislate any citizen out of his property, or his salary, which is the same thing, merely because

he has expressed an opinion which is not approved by a majority of this Congress.

Heretofore the Supreme Court of the United States has zealously guarded the right of free speech and no opinion can be found to support the intended action of this House. There is little likelihood that the present Supreme Court will fail to protect that right.

Suppose we do pass this amendment and the department paying these men brings action to set this act aside as unconstitutional. Does anyone in this Chamber think the Supreme Court will sustain the action of this House?

If we have anything of value left in this democracy, it is the right of free speech and the liberty of the press. The anomalous situation now presents itself that this Congress is attempting to abridge these rights. Much has been said about the oath we took to support the Constitution. Does not that oath bind us to protect the right of free speech? Is this Congress the first to rise up in its dignity and violate the plain provisions of our Constitution—the Bill of Rights and the laws and decisions of the Nation?

We have no more right to attempt to direct the opinions of a citizen than we have to tell him what form of worship he may follow. We do not want to fall into the position of expressing our own opinions—immune from civil liability—and at the same time deny that right to others.

There is absolutely no authority to be found anywhere—from the Constitution to the latest Supreme Court opinions—to justify the House in passing this amendment.

This is not the first time that the Appropriations Committee has attempted to write the laws of the country, and there is more danger to the Nation in not curbing this practice than there is from any opinion expressed by either or all of the men involved here.

If the day ever comes in this country when citizens cannot express their opinions, it will be the beginning of the end of this Government. Legislation will not stop ideas, and the more we attempt to do it the more certain is our final collapse as a nation. If we want to destroy this Government and make it easy for any other scheme of government to take its place, we are contributing to that end in the passage of this amendment.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. HENDRICKS].

Mr. HENDRICKS. Mr. Chairman, I am not going to take much time talking today because a few weeks ago I offered an amendment to strike these very same men's names from the pay roll of the Government and we discussed that amendment for about 3 days. So I believe I have said about enough.

I want to compliment the Kerr committee for the fine work that it has been doing. I think they have been very fair in securing all the evidence and in judging these men to be unqualified to serve this Government. The fact of the matter is that I believe they have been much more liberal than I probably would have

been, because I take this position: Even though you cannot prove these men are Communists, you can still say they are not qualified to serve this Government. If you had a bank and you had a teller in that bank who, you found out, had been keeping company with bank robbers, you would tell him you were through with him, and you would dismiss him, and you would not wait to try to find out whether he was a bank robber or not.

I say that in every instance where these men have associated with Communists or Communist front organizations, they have no right to their position and they have no right to be placed in the position where they can sponsor such doctrines as are supported by the organization with which they were associated.

Yesterday and today and at other times we have heard that these men have not had a fair day in court. So far as I am concerned this is not a court trial. We are simply determining whether the Congress of the United States feels these men are qualified to serve and whether they are entitled to their jobs and as long as this committee continues with the same course it has followed I am going to continue to support it.

The fact of the matter is that we have had a number of heads of departments to attack the Congress because of the fact that we are trying to get rid of Robert Morss Lovett. Secretary Ickes said, in a press release, in defense of Robert Morss Lovett, that he would retain him in that post so long as "I have legal power to do so."

That is all right; we are going to make it illegal for him to do so.

He went on to say:

Under the Constitution, the Congress has no power to remove an officer of the executive branch and cannot undertake to accuse a judge or to remove an officer on the grounds and through the proceedings used here.

Well, maybe that is what he thinks, but after we have eliminated this man from the pay roll he has the right to go into court and we will find out whether the Congress has the right to eliminate him or not.

He further stated:

These witch hunts of Congressman DIES will bring, in the years to come, blushes of shame to the faces of all Americans, just as the recollection of the witch hunts of old Salem, or of the last war, does among us today.

He further stated:

I have read the report of the Federal Bureau of Investigation, the report of the Kerr subcommittee and the charges made by Congressman DIES against Dr. Lovett. In all these I have seen no evidence of subversive activity or of sympathy of Dr. Lovett for anything of the sort.

If Mr. Ickes has read all these reports and he does not find any evidence of subversive activity, I suggest to you that Mr. Ickes ought to be removed, because there is evidence, and I do not think anyone could doubt that he has been active in subversive activities.

All I have to say today is this: That I would like to ask the Kerr committee and every Member of this House just to remember one thing, that these men were not elected to office; they were merely appointed by the heads of the departments. The heads of those departments have had called to their attention these men's names and have been told that they are not qualified to serve this Government and they have taken no action, and yet when we attempt to take action the heads of the departments are ready to defend them. I have no doubt but what this House is going to uphold the Kerr committee's recommendation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. STARNES].

Mr. STARNES of Alabama. Mr. Chairman, I think the gentleman from Pennsylvania [Mr. WRIGHT] a moment ago made one of the finest statements I have heard in the course of the debates on this subject.

The charges were made by the gentleman from Texas [Mr. DIES] personally that these men, Dr. Lovett, Dr. Watson, and Mr. Dodd, were unfit for public office by virtue of their past associations and their affiliations with subversive organizations, and the gentleman from Florida [Mr. HENDRICKS] offered an amendment to the Treasury-Post Office appropriation bill in February seeking to strike them from the pay roll. After tumultuous debate in the House the matter was referred and has been handled as has been outlined by the chairman of the full Appropriations Committee this afternoon. Gentlemen have inadvertently been inaccurate in their statements to the effect the charges were made by the Dies committee. The charges were made by the gentleman from Texas [Mr. DIES]. They were not brought by the committee. The charges were made by the gentleman from Texas [Mr. DIES] personally, and he stated they were his personal views and were not necessarily those of the committee nor was he speaking for the committee at the time he made the charges.

The sole question involved here is whether or not the charges made that these men are unfit for appointive public office by virtue of their writings, declarations, membership in or past associations and affiliations with known subversive organizations. And, if this question is answered in the affirmative, should they be removed from the Federal pay roll as employees of the Government? Whether in war or in peace, no man or woman should be employed in an administrative capacity in the Government of the United States who does not wholeheartedly believe in the system of government which he or she is undertaking to administer.

You will find that each of the three men who are involved in this proceeding admitted under oath that he had been a member of, had publicly associated himself with, or had been publicly affiliated with numerous organizations which

have been denominated subversive and un-American by the Attorney General of the United States, by the interdepartmental committee which he set up, by the Special Committee to Investigate Un-American Activities, an agent of this House since 1938, or the special committee set up in the Committee on Appropriations.

The charges have been made, the testimony has been submitted, a fair hearing has been given to each of the accused. The records of the special Appropriations Subcommittee will show in each instance these gentlemen stated they were satisfied they were given a fair trial and an impartial hearing before that group.

That being true and the findings being before us, what is our duty? Shall we embrace some of the strange doctrines that have been promulgated by self-anointed liberals and self-confessed distinguished intellectuals, or shall we follow our consciences and vote to remove these men from the pay roll by withholding funds for their compensation and for their salaries?

Who are these self-anointed liberals and these self-confessed distinguished intellectuals? By what yardstick do they measure their liberalism and their intellectual attainments? Many of these self-anointed liberals would have us embrace communism or some other form of state socialism as an antidote to what they term "domestic fascism." What a strange pronouncement we heard on the floor of the House a moment ago by the gentleman from New York [Mr. MARCANTONIO].

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from New York.

Mr. TABER. Is there any difference in the world between communism and fascism?

Mr. STARNES of Alabama. None whatever, except in degree.

Mr. TABER. It is a question of who is the dictator, that is all.

Mr. STARNES of Alabama. Yes.

I want to say of these self-confessed intellectuals, they may have certain peculiar intellectual attainments, but their skulls house a vacuum insofar as common sense and patriotism is concerned.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOBBS. Mr. Chairman, I am exceedingly loath to oppose the pending amendment. I honor and respect the judgment both of our great Committee on Appropriations and also the special subcommittee on whose reports this amendment stands. I am devoted to the men who compose those committees and in many cases I would bow to their superior wisdom. But in a case such as this, wherein the amendment is clearly unconstitutional, in my opinion, I simply cannot follow their leadership, much as I would like to.

The pending amendment is a bill of pains and penalties within the meaning of the constitutional prohibition:

No bill of attainder * * * shall be passed (art. I, sec. 9).

A bill of attainder is a legislative act which inflicts punishment without a judicial trial. If the punishment be less than death, it is a bill of pains and penalties. As the term "bill of attainder" is used in the Federal Constitution, it includes both bills of attainder particularly, and bills of pains and penalties. (*Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 18 L. Ed. 356); *Drehman v. Stifle* (75 U. S. (8 Wall.), 595, 601, 19 L. Ed. 508); *Pierce v. Carskadon* (83 U. S. (16 Wall.), 234, 239, 21 L. Ed. 276)).

If, then, the amendment now being considered inflicts punishment, it is a bill of pains and penalties, since there has been no judicial trial. This is not to say that the legislative hearings given by the Kerr committee were not judicial in a sense, but this committee was certainly not a court, and nothing short of a trial by a court constitutes a judicial trial.

The only question open for discussion and decision, therefore, is, Would this amendment, if it should become law, inflict punishment?

Throughout the debate of yesterday and today it has been frankly admitted that this amendment is intended to and will, if enacted, effectively exclude Watson, Dodd, and Lovett from the Government service.

That is punishment.

Take the cases of *Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 320), and *Ex parte Garland* (71 U. S. (4 Wall.) 333, 377). These are State cases, not Federal. But the provisions of the Federal Constitution are almost identical as to State and Federal limitation of power. As to congressional power, the Constitution of the United States reads:

No bill of attainder or ex post facto law shall be passed (art. I, sec. 9).

As to State power, the Constitution of the United States reads:

No State shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts (art. I, sec. 10).

So the *Cummings* and *Garland* cases are perfectly in point as authorities in our consideration of the pending amendment, under the above quoted limitation upon congressional power.

In the *Cummings* case the defendant was a Roman Catholic priest who was indicted and convicted of the crime of teaching and preaching as a priest and minister of that denomination without first having taken the oath prescribed by the constitution of the State of Missouri, and was sentenced to pay a fine of \$500 and to be committed to jail until said fine and costs of suit were paid. This prosecution was under the constitution of Missouri of 1865 which provided that no person shall be permitted to practice as an attorney or counsellor at law nor be competent as a bishop, priest, deacon, minister, elder, or other clergyman of any religious persuasion, sect, or denomination, to teach, preach, or solemnize marriages, unless such person shall have first taken, subscribed, and filed said oath—which oath required a statement that the affiant had never been in armed hostility to the United States or been in sympathy with rebellion or, except under overpowering compulsion, submitted to the authority or been in the service of the so-called Confederate States of America.

The Supreme Court of the United States in its decision in the *Cummings* case said:

The disabilities created by the Constitution of Missouri must be regarded as penalties—they constitute punishment. We do not agree with the counsel of Missouri that "to punish one is to deprive him of life, liberty, or property, and that to take from him anything less than these is no punishment at all." The learned counsel does not use these terms—life, liberty, and property—as comprehending every right known to the law. He does not include under liberty freedom from outrage on the feelings as well as restraints on the person. He does not include under property those estates which one may acquire in professions, though they are often the source of the highest emoluments and honors. The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact. Disqualification from office may be punishment, as in cases of conviction upon impeachment. Disqualification from the pursuits of a lawful avocation, or from positions of trust, or from the privilege of appearing in the courts, or acting as an executor, administrator, or guardian, may also, and often has been, imposed as punishment (*Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 18 L. Ed. 356)).

In the *Garland* case the defendant was an attorney and counselor at law and was prosecuted under the same section of the Missouri Constitution of 1865 as was the defendant *Cummings* in his case.

The Supreme Court of the United States in the *Garland* case said:

And exclusion from any of the professions or any of the ordinary avocations of life for past conduct can be regarded in no other light than as punishment for such conduct. The exaction of the oath is the mode provided for ascertaining the parties upon whom the act is intended to operate, and instead of lessening, increases its objectionable character. All enactments of this kind partake of the nature of bills of pains and penalties, and are subject to the constitutional inhibition against the passage of bills of attainder, under which general designation they are included (*Ex parte Garland* (71 U. S. (4 Wall.) 333, 337, 18 L. Ed. 366)).

In the *Cummings* case the exclusion was from the priesthood. In the *Garland* case the exclusion was from the practice of law. In the cases now before us the exclusion is from the Government service. The decisions from which the above quotations have been taken are directly in point, and condemn any such enactment as the amendment we are considering, as a bill of pains and penalties subject to the constitutional inhibitions against the passage of bills of attainder.

But the pending amendment not only violates the constitutional mandate against bills of attainder but it also violates the doctrine—implicit throughout the Constitution—of separation of powers, and the explicit creation of a government composed of three separate but coordinate branches, legislative, executive, and judicial.

The power to "fire" an employee of the executive branch of the Government belongs to the Executive exclusively. *Meyers v. United States* (272 U. S. 52). In the *Meyers* case the Supreme Court further held:

The power to remove inferior executive officers, like that to remove superior execu-

tive officers, is an incident of the power to appoint them, and is in its nature an executive power. The authority of Congress given by the excepting clause to vest the appointment of such inferior officers in the heads of departments carries with it authority incidentally to invest the heads of departments with power to remove.

The Supreme Court recognized in the case of *United States v. Perkins* (116 U. S. 483) that Congress, in committing the appointment of such inferior officers to the heads of departments, may prescribe incidental regulations controlling and restricting the latter in the exercise of the power of removal; but the Court never has held, nor reasonably could hold, that the excepting clause enables Congress to draw to itself, or to either branch of it, the power to remove or the right to participate in the exercise of that power. To do this would be to go beyond the words and implications of that clause and to infringe the constitutional principle of the separation of governmental powers.

Further quoting from the decision of the Supreme Court in the *Meyers* case:

Assuming then, the power of Congress to regulate removals as incidental to the exercise of its constitutional power to vest appointments of inferior officers in the heads of departments, certainly so long as Congress does not exercise that power, the power of removal must remain where the Constitution places it, with the President, as part of the Executive power.

When Congress abolished the Radio Commission and created in its stead the Federal Communications Commission—United States Code Annotated, title 47, section 154—it authorized the President by and with the advice and consent of the Senate, to appoint the seven Commissioners and gave to the Commission the power to appoint the employees of the Commission subordinate to the Commissioners. Congress did not prescribe incidental regulations controlling and restricting the Commissioners in the exercise of the power of appointment or removal.

The exclusive right of the Executive to remove officers within the executive branch of the Government was reiterated in the case of *Morgan v. T. V. A.* (115 Fed. (2d) 990, certiorari denied, 61 Sup. Ct. Rep. 806).

The doctrine of separation of powers is reemphasized in the case of *Humphrey's Executor v. U. S.* (295 U. S. 602):

The fundamental necessity of maintaining each of the three general departments of Government entirely free from the control or coercive influence, direct or indirect, of either of the others, has often been stressed and is hardly open to serious question. So much is implied in the very fact of the separation of the powers of these departments by the Constitution; and in the rule which recognizes their essential coequality. The sound application of a principle that makes one master in his own house precludes him from imposing his control in the house of another who is master there. James Wilson, one of the framers of the Constitution and a former justice of this Court, said that the independence of each department required that its proceedings "should be free from the remotest influence, direct or indirect, of either of the other powers" (Andrews, the Works of James Wilson (1896), vol. 1, p. 367). And Mr. Justice Story in the first volume of his work on the Constitution, fourth

edition, section 530, citing No. 48 of the Federalist, said that neither of the departments in reference to each other "ought to possess, directly or indirectly, an overruling influence in the administration of their respective powers" (295 U. S. at pp. 629-630).

The argument on the purse strings premise is blasted by an opinion of former Attorney General Mitchell, as follows:

Congress holds the purse strings, and it may grant or withhold appropriations as it chooses, and when making an appropriation may direct the purposes to which the appropriation shall be devoted and impose conditions in respect to its use, provided always that the conditions do not require operation of the Government in a way forbidden by the Constitution. Congress may not, by conditions attached to appropriations, provide for a discharge of the functions of government in a manner not authorized by the Constitution. If such a practice were permissible, Congress could subvert the Constitution. It might make appropriations on condition that the executive department abrogate its functions. It might, for example, appropriate money for the War Department on condition that the direction of military operations should be conducted by some person designated by the Congress, thus requiring the President to abdicate his functions as Commander in Chief (37 Op. Atty. Gen. 56, 61 (1933)).

Supporters say with twinkling eyes and a smile, "Yes, but this is not firing; this is merely denying the money to pay his salary. We do not say he cannot work for the Government; we simply say no Government money can be used to pay him."

Specious. Sophistry. What of the law we passed that no one can work for nothing?

The more serious minded supporters add: "Seriously, though, Congress has the power to abolish the whole outfit, including Watson, so, if we were to do that, we'd be getting him just the same."

The answer to this is also obvious. Granting that Congress might abolish the Federal Communications Commission, and that if that were done, that would get Watson, that is not what is being done. Maybe the Federal Communications Commission should be abolished. Congress has the power, undoubtedly, to abolish it, why not act within our power and do so? I challenge any and all of you who think that should be done, because of the employment of Watson and Dodd, or for any other reason, do it. But do not forget your oath of office to uphold the Constitution and trample it under contemptuous feet by passing this bill of attainder which intrudes into the inviolable province of the Executive.

Who made it possible to employ Watson and Dodd? Congress did. We granted the Commissioners the power to appoint whomsoever they might please. The only restriction we have ever placed upon this grant of power is the requirement that no one who advocates, or who is a member of an organization that advocates, the overthrow of our Government by force or violence, shall be paid. We so wrote the law. Under that single restriction these men were employed. No contention has been made that they, or either of them, come

within that condemnation. After they were employed, we, very wisely, changed the criterion. The special subcommittee constituted to investigate and report to the House how Government employees squared with the new criterion, has made two reports which show judicial poise and careful analysis. The gentlemen who compose this subcommittee are estimable, careful, honorable. Their reports are entitled to the full faith and credit their judgment and honesty of purpose demand. Those who have the power to hire and fire should give the most respectful and serious consideration to these and any further reports, and only the weightiest evidence contra should cause them to fail to follow the report that they are unfit for the present to continue in Government employ, and discharge all that "cap fits." But ours is not the power to hire or fire, nor have we the right to go out of our own house into theirs and rule.

It is true that the resolution creating the Kerr committee provided:

Any legislation approved by the committee as a result of this resolution may be incorporated in any general or special appropriation measure emanating from such committee or may be offered as a committee amendment to any such measure notwithstanding the provisions of clause 2 of rule XXI.

But, of course, this meant any legislation within the power of Congress to enact; that is, not in conflict with the Constitution.

We can abolish the Federal Communications Commission. We can prescribe incidental regulations to control or limit the appointing powers or the powers of removal we grant, but we cannot violate the Constitution by passing a bill of attainder, such as the pending amendment, nor usurp the power of either separate and coordinate branch of our Government. The power of removal of officers or of employees in the executive branch of our Government is in the Chief Executive. Congress may remove its own but not those of the Executive.

What has been said as to Watson and Dodd applies for the most part and just as cogently to Lovett.

The fact that Congress adopted the method of removal now proposed in the case of David Lasser, neither changes the Constitution nor justifies the procedure. One wrong never justifies another.

The claim has been made that thousands of communists were taken off the Government pay roll when the Federal Theater Project of the W. P. A. was abolished. But that was the abolition of a project, not the mere removal of employees. Congress may abolish any organization it creates or authorizes, and such abolition kills the jobs of the employees of the agency abolished. But that is in accord with the Constitution, not in violation of it.

Just as fiercely as we resent attempts to encroach upon our exclusive province, does the executive branch of our Government have the right to resent this encroachment attempted by us. Why cannot we of each separate, coordinate branch of our Government learn and practice the truth that the only road to

the sunlit highlands of happiness and success is cooperation?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, I will not attempt to get into any argument with the distinguished gentleman from Alabama [Mr. HOBBS] who has just left the well of the House. He is a distinguished lawyer, but may I say that sometimes distinguished lawyers disagree, and were it not so, we would not have the lawbooks in the libraries of the country that we now have. All I care to say in reply to the argument made by the distinguished gentleman from Alabama is that so far as I am concerned, and I speak somewhat as a lawyer myself, having gone into this question of bills of attainder, and pains and penalties, I am in complete and utter disagreement with the distinguished gentleman in the conclusion which he has reached. I do not conceive that under any circumstance the amendment now under consideration could be held by any court to be either a bill of attainder to constitute a bill invoking pains and penalties, such as the gentleman has just described. Let us see if we cannot reduce this thing down a little bit. Who are these people that are involved in this amendment? Are they officers of the United States Government? If they were, there might be some reasonableness to some of the arguments that have been made. These men are in the category of pure and simple employees of the United States Government. For men to contend that the Constitution requires impeachment proceedings to remove an employee is building up an argument that in my judgment has no basis in the law or in fact. Is there any man of standing here who has put out his shingle to practice law any place in the United States who would contend for one moment that this Congress would be required to institute impeachment proceedings in order to dismiss a Federal employee? Why, the gentleman from New York has said in his statement that this is a most unusual procedure. I agree with him. It is a most unusual procedure.

It is certainly an unusual procedure that the Congress of the United States should be compelled to appropriate hundreds of thousands of dollars for investigations and to spend months of its time in an effort to purge employees from the pay roll that the Congress and the people of the United States deem unfit to be governmental employees. There is a distinction between an employee and an officer. There are constitutional officers in the judiciary, in the legislative, and in the executive branches of Government. There are officers who are placed in office by and as the result of the enactment of legislation by the Congress creating those offices and fixing their tenure of office and fixing their salaries. As to these officials may I say that I would not contend for one moment that this Congress has the right to, in effect, remove them by refusing to appropriate money to pay

their salaries. Congress has the undoubted right to abolish functions and agencies but not to in effect remove officials in this manner. But do not make that argument against this procedure where it merely involves a simple employee of the Government. As to that question our committee, as the gentleman from North Carolina, JUDGE KERR, so ably stated in his remarks, has canvassed this situation.

Mr. MURPHY rose.

Mr. KEEFE. I do not care to yield at this time. Those legal aspects have been gone over, and I think it is the mature and considered judgment of the committee—and we have some fairly good lawyers on the committee, and we have good counsel to advise the committee—that we are strictly within the rights of this Congress, and we are pursuing what appears to the committee not only to be our right, but our sovereign duty as Members of Congress.

Now let me talk a moment about Mr. Goodwin Watson. I discussed him a little bit yesterday. I never met Mr. Goodwin Watson until he came before our committee. I had heard about him as a professor of psychology up at Columbia University. Mr. Watson was given every opportunity to tell the committee anything that he wanted to tell them in explanation of his attitudes, his conduct, his association, his affiliations, and his utterances. Let me take first the viewpoint that he expressed back in 1934. This article that he wrote for a magazine, called *Common Sense* magazine, published in August 1934, contains this foreword. He is not chargeable with it, but this is what the editor of the magazine says, and it appears as a foreword to Mr. Goodwin Watson's article:

The average citizen thinks that the advocates of swift change by revolution are merely hotheaded to make war on the tragedy that has stalked the footsteps of gradual reformers in Europe, and he is inclined to think that this country is different, and that we move slowly by nature. In this article a well-known professor of psychology says that not only has gradualism always failed in this attempt to uproot the profit system, but from the humanitarian psychological points of view, the methods of reformation are often inadequate. Nature, he points out, by no means always evolves. Nor need a rapid transformation be violent if well planned.

Now, let us see what he said in his article. Understand, I am not criticizing Goodwin Watson in the exercise of his right of free speech guaranteed by the Constitution to preach the abolition of capitalism, or to preach the abolition of the profit system, if that is his philosophy of government. The Constitution in the Bill of Rights guarantees him that right of advocacy, if he so desires, but I find nothing in the Constitution that secures and guarantees to him tenure as an employee of the United States Government. This is what he said:

How is it with the present necessity to replace the broken-down profit system with one designed to produce and distribute all the goods and services the public can use? Shall we work for an all-or-none change, leaving the old order definitely behind us and building the new on a different foundation, or shall we work for gradual modification and improvement of the old, trusting

that the net effect of many lesser changes will equal the greater ones?

There he was expressing the plain question that was in his mind. Shall we continue to be motivated by a policy of gradualism or not? I quote further:

There are four major lines of argument, humanitarian, psychological, economical, and political. Each of them leads to the conclusion that the apparent attractiveness of gradualism is fallacious, that only the sharp break brings promise of success.

What do you mean by sharp break, Goodwin Watson? What is this sharp break you are talking about? I will tell you what it means. It means nothing more or less than the intelligentsia medium of expressing what some people would say revolution—a sharp break.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I cannot yield at this point.

Then he finally ends up his argument and he says:

Only Soviet Russia has gone up to the left in an oxcart that was nearly wrecked before the trip started, but they report now that the road is getting better. Our machines are more powerful but more delicate than ex-carts. Can't we stand the rough beginning if we prepare the road, the cars, the drivers, and passengers?

What is he talking about? What does he mean to say? I ask you, Members of the Congress—is it not perfectly clear what this man was advocating when he wrote this article in 1934?

Now, let us see what he said when he came back from Europe in 1934 and assisted in organizing this organization entitled "New America." I have it before me. I have its platform, its program, its goals, its guiding principles. I defy anybody to take that document which he subscribed to in 1934 and read it without coming to the conclusion that a man who preached the philosophy expressed in that document ought not to be serving in the position of chief analyst of foreign broadcasts down here in the office of the F. C. C. or in any other governmental position as an employee. Let him submit his advocacy to the people and run for Congress and then he will learn the attitude of our people.

I do not have time to read this whole document. May I say to you that the committee which you appointed has done so. I have gone through it. He admitted fully that he fully believed in the statements contained in this dissertation on the organization of this group called New America in 1934. However, he said that in the latter part of the thirties, "I changed my mind. I no longer believe that philosophy."

When I read section after section out of this statement which was so repugnant to the membership of the committee that I know all of us were very much concerned, I said, in substance, "Dr. Watson, you believed that in 1934 when you approved that article or when you collaborated in writing it, did you not?"

"Yes."

"You say you have now changed your mind. When did you change your mind?"

"Why, I did it in the latter part of the thirties."

"Well, what evidence have we that you have changed your mind?"

He said, "Some talks to some of my classes up at Columbia University."

"Have you ever written an article for any newspaper; have you ever written an article for any magazine; have you ever made any public statement at any place, disavowing that philosophy, a plain, simple, Communist philosophy?"

He said, "No; I did not think it was necessary."

I find no concrete evidence of any change of heart except his bare statement before the committee. Let us look further—

Mr. COOLEY. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. TABER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. KEEFE. My colleagues, the evidence disclosed that he had been taking college professors and students on trips over to Europe and making studies over there. In 1933 and in 1936 and in 1937 they visited the countries of Europe to make studies. The last 2 trips they went under the auspices of what they call the Open Road, which we all know was an organization that was designed and set up to get these people over to Russia. So they went to study Russia. There were 30 of them in the party. They went over there for the purpose of looking over the Communist scene in Russia, and to make a study of it. This was in 1937.

When they came back, Goodwin Watson wrote an article and it is titled "We Study the Soviet Union." It was published in the *Social Frontier* magazine of February 1937. He tells about the wonders and glories of Soviet Russia. He tells of some of the things they found that were not so wonderful and so glorious. But he finally ends up his article with these words—and I want you to listen carefully. This shows the attitude of the man in 1937:

For each of us there were sights which we approved and others we disapproved.

Understand, this fellow has been claiming that these people who are condemning him just take little isolated sentences out of his works. I am going to read the whole paragraph or two paragraphs so that I will not be charged with the same offense:

For each of us there were sights which we approved and others we disapproved, but how about the balance of judgment on the new civilization as a whole? One became skeptical and remained rather unfavorable toward Soviet life. A half dozen who came prepared to find a bad situation had been transferred into warm admirers of the Communist scene. None who came with high expectations had been disappointed. The sum total would be more than 95 percent favorable, influenced by this brief study. We had not always been comfortable, but we had been aware of a society directed toward the sustenance of major human values.

One question lingered in our minds. Anna Louise Strong had stated it for us. "I wish I knew," she said, "whether it will take longer for the Russians to develop efficiency or for

America to develop socialism. Then I'd know where I want to live."

What did he mean by that? Is it not perfectly clear to anybody? Oh, how he tried to flounder around when I cross-examined him upon that statement.

How he tried to claim that he was merely quoting a statement of Anna Louise Strong, but he finally had to admit that any sensible person reading that article could come to but one conclusion, and that was that he was stating the feelings of the entire group of 30 who went there and that it was the consensus of the group that they were concerned as to whether it would take longer for Russia to develop efficiency or for America to develop socialism, and upon that answer depended the question as to where they wanted to live. Is it not perfectly clear that his mind was made up; that unless we developed his brand of socialism, in the event Russia developed efficiency, he would prefer to live there? I say to him and all of his associates of similar mind: Go to Russia and enjoy life there and allow those who believe in our system to perfect and run America.

This fellow that was in that frame of mind in 1937 is down here analyzing foreign broadcasts for you and turning them over to the Army and the Navy.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. TABER. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. KEEFE. In 1938 he made a speech promoting world citizenship through social relations. That is the title of it. I have the whole speech; I have read it carefully, but I have not time now to read all of it to you. In this speech he is very critical of the United States Government. He says:

So long as power to control business and government rests with our present small, reactionary ruling class—

Does that sound much like the speech that was made by the gentleman from New York a little while ago? Almost the identical language, almost the identical philosophy. It runs through all these speeches; they all use the same language:

So long as the power to control business and government rests with our present small, reactionary ruling class we must expect enormous discrepancy between ideals of world peace and actions taken far more with a view to profits. Our Government and that of France and England may pretend to be democracies, but they are in truth plutocracies. The foreign policies of plutocracies will seldom advance peace and world cooperation. In the present economic crisis, foreign policies of all capitalistic nations will necessarily be far more concerned to keep plutocrats in power than to build world democracy.

That is the speech he was making in 1938.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. Briefly.

Mr. COOLEY. Will the gentleman please explain to the House why it is that the committee reached a decision to withhold from the membership a transcript of the evidence taken by that committee involving the future welfare of these people? Why has that been suppressed?

Mr. KEEFE. I do not know as there has been any suppression of it at all.

Mr. COOLEY. Why has it not been made available?

Mr. KEEFE. I do not know any reason why there should be any suppression. I have it here, and if the gentleman from North Carolina or any Member interested will come down I will show it to him.

Mr. CELLER. Was it printed?

Mr. KEEFE. Mr. Chairman, I do not yield further; I do not intend to have my time taken up on collateral issues.

Mr. COOLEY. That is not a collateral issue at all.

Mr. KEEFE. This House appointed these members of this committee to serve in a semijudicial capacity. The membership expected them to hear the testimony and to make a recommendation to this Congress. We have proceeded absolutely in accordance with the instructions given us in the resolution you passed. May I say to the gentleman and to the House that much of the material furnished by the F. B. I. and Army and Navy Intelligence was regarded as highly confidential and we assured them that if we used it in our examinations it would not be made a public record.

I have given just three or four illustrations of the attitude of this man Watson. I have not time to go through the whole situation, but let me call your attention to the fact that from 1932 right on down through we find Goodwin Watson hobnobbing with the American Committee for Democracy and Intellectual Freedom, one of the organizations which he himself said membership in by one of his associates, Prof. Franz Boaz, of Columbia University, led him to the belief that Professor Boaz was a "fellow traveler." We find him endorsing and sponsoring the American Congress for Peace and Democracy, another Communist-front organization.

We find him sponsoring what is called the American Investors' Union, Inc., another one of these fringe Communist outfits. We find him sponsoring the aims and objectives of the American League for Peace and Democracy, which is also an organization that has been condemned by the Attorney General and the Interdepartmental Committee. We find him endorsing the principles of the American Student Union, another Communist front organization. We find him affiliated and associated with the American Youth Congress. We find that this gentleman was associated with and one of the sponsors of Pan-American Democracy, another Communist organization; all down through the years, organization after organization, committee after committee. He denied membership in many of them. He admitted membership in three of the organizations. He denied that he had been a member, but he served on sponsoring committees. He, for instance, sponsored a plays-for-children contest put on by the International Workers' Order, a well-known Communist organization. We find him in association and affiliation right up to the time he came on the Federal pay roll with that type of organization. Oh, yes; he be-

longed to many reputable organizations also.

All I have to say, Mr. Chairman, is this: You can find little faults in connection with this matter if you so desire; you can ask questions why was not this testimony all printed. Perhaps it should have been; in any event, it was not, and for what the committee considered sufficient reasons, but do you think that any member of your committee would come here and willfully suppress any information? Is there any Member of this House who thinks we are suppressing any evidence? Are you not convinced that this committee is giving you the truth and the facts which we found?

Let me tell you something else. We had this man before us. I have tried many lawsuits; I have argued many cases from the printed brief in the Supreme Court, and the Supreme Court never has before it the witness to observe his candor or lack of candor.

Mr. COOLEY. Will the gentleman yield?

Mr. KEEFE. They never have before it the witness to observe the fairness or lack of fairness of the witness. But we had these people before us.

Mr. COOLEY. The gentleman is a member of the committee.

Mr. KEEFE. Does the gentleman want to ask a question?

Mr. COOLEY. I want to ask a question.

Mr. KEEFE. All right. I yield to the gentleman.

Mr. COOLEY. Of course, the gentleman is a distinguished lawyer. In presenting cases to an appellate court the gentleman well knows that every case carries with it a transcript, which is a statement of facts upon which the conclusions of law are based.

Mr. KEEFE. Let us not get into such an argument as that. The distinguished gentleman who has addressed me has confidence, does he, in the committee which was appointed?

Mr. COOLEY. Almost, but not quite, implicit confidence.

Mr. KEEFE. Does the gentleman believe the statements that have been made by the members of that committee on this floor?

Mr. COOLEY. I accept the gentleman's statement and the statement of every member of the committee.

Mr. KEEFE. Does the gentleman believe the statements that have been made as to the proof that has been presented thus far? And if so, does the gentleman want to keep that kind of an individual on the pay roll of the Government?

Mr. COOLEY. My answer is this: I am not willing to sit in judgment upon the welfare and the future of these men based upon evidence, all of which has been completely suppressed by this committee, none of which has been made available to the Members of this House until a moment ago, when the gentleman offered me a transcript to read when he knows I am faced with having to vote within 5 minutes.

Mr. KEEFE. May I say to the gentleman, he has had an opportunity to know these facts for years. These men have been charged by the chairman of the

Dies committee, and the evidence has all been printed, and if the gentleman wanted the facts, they were available to him. I do not know whether he supported the Dies committee or not.

Mr. COOLEY. I have consistently supported it.

Mr. KEEFE. Why did the gentleman support it?

Mr. COOLEY. Because I believed that the people on the pay roll of the Government who entertained subversive intentions should be investigated and exposed, but I did not understand when this House created the present committee it intended for that committee to conduct a star-chamber session and to try these people and to convict these people, and then to try to get the House to confirm that conviction without having evidence to support it.

Mr. KEEFE. May I say to the distinguished gentleman that he is just as much in error as any man has ever been on this floor. This committee has convicted no one. This committee has brought a report to you and you are to judge from that report what your attitude may be. If the gentleman is not convinced by the proofs that have been submitted, then why in the name of God did he vote to continue the large appropriation for the Dies committee? Why continue to spend money to gather facts which you do not intend to use? In my humble judgment, the gentleman is searching hard for justification for his present attitude.

Mr. COOLEY. Is this the report to which the gentleman refers?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TABER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HOFFMAN. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman from North Carolina just complained because there was no transcript of evidence. However, he voted for the National Labor Relations Act, which distinctly provides that on appeal the appellate court and the Supreme Court must accept the findings of the National Labor Relations Board without any transcript.

Mr. COOLEY. I did not agree to accept the findings of this committee on that proposition.

Mr. O'CONNOR. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Montana.

Mr. O'CONNOR. I want to join in what the gentleman from North Carolina said. We all have the utmost confidence in this committee.

Mr. KEEFE. Yes.

Mr. O'CONNOR. Personally I feel this testimony should have been taken by a reporter.

Mr. KEEFE. I do not care for any observations.

Mr. O'CONNOR. And the testimony should have been written and submitted to the Members of the House.

Mr. KEEFE. I am one of those who feels this committee is being killed and poisoned by faint praise. I do not care

for that sort of praise from the gentleman from Montana or anyone else. May I say to my friend, however, that all of the testimony was under oath and taken by a reporter and I have the transcript before the House today. The reasons for not publishing the same have heretofore been given.

Mr. MURPHY. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Pennsylvania.

Mr. MURPHY. When I asked the gentleman to yield before I wanted him to discuss the facts. I hope someone else will give us some more facts about this man Dodd. I want to hear the facts about Dodd.

Mr. KEEFE. May I say to my distinguished friend that the gentleman from New Mexico [Mr. ANDERSON] will discuss Dodd. When he does I am sure he will give you facts.

Mr. WRIGHT. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Pennsylvania.

Mr. WRIGHT. I think any Member who was sufficiently interested to approach any of the members of this committee could have done so and could have discussed this matter. I did so in order to try to find out the facts and I found a disposition on the part of the committee to disclose the facts completely when I talked to several of the members.

Mr. KEEFE. If we had published all of these facts and scattered them to the world, we would have been condemned by the same people who are now condemning us for not publishing the facts. They would say that we were blackening the character and reputation of these fine men by publishing this testimony. Any member who really wanted to know the facts has had ample time and opportunity to obtain them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. ANDERSON] the remainder of the time on this side.

Mr. TABER. Mr. Chairman, I yield the gentleman 5 minutes.

Mr. ANDERSON of New Mexico. Mr. Chairman, I recognize this afternoon the difficulty of this amendment. I am not particularly happy over my position here today. I realize that it was not so long ago that a magazine of this country was referring to me as a liberal, and now I find myself referred to as a "witch hunter." That is a designation that I do not like.

I want to say to the Members of this House that my position on this Kerr committee was not sought by me. I can say to you in all candor that I have sat through many of the sessions of that committee against the advice of a physician. I have not enjoyed that. But I felt the mandate from the Speaker and from the chairman of the Appropriations Committee required this, insofar as I could comply.

I desire in my own way to report to the House this afternoon, not as a lawyer, which I am not; not as a member

of some intellectual group, which I do not claim to be, but as the son of a Swedish immigrant who enjoyed some of the blessings of this land of ours and as one who wants to keep available to coming generations of Americans the same opportunities that my father found here.

There has been a lot said today as to why the hearings of this committee were not published. Again, in my own way and without the blessing of the committee, I want to make my own explanation to you.

This committee had before it confidential and secret information supplied to it by the Department of Justice and the Federal Bureau of Investigation. If we could have obtained permission to have printed every bit of that testimony, I would have been glad for it all to have been printed, but I submit to you it was not fair nor just nor wise to take only the materials that were presented to us as the explanation of these accused persons and print that and not print the whole story. I want to remind you also, when you talk about our printing something, that the investigation of the Dies committee has been printed and every Member of the House who was interested in the proceedings on un-American activities had the right to read the Dies reports from cover to cover.

I want to suggest further that a Senate committee had a prolonged investigation of Goodwin Watson. My friend the gentleman from Wisconsin [Mr. KEEFE] took the trouble to read it. I took the trouble to read it. If Members of this House wanted to find out about Goodwin Watson before the case reaches the "supreme court," as this House has been called, they have had access to those reports.

Do not blame the Kerr committee. Four different groups have investigated most of these people, and if you had wanted the record of what they have been doing, our records could have been made available to you individually. I saw in the Chamber a moment ago the distinguished gentleman from California [Mr. VOORHIS]. He came to me and said that he was not too happy over some of these things, and I recognized that because there is not a finer, more lovable, more conscientious Member of this House than that gentleman. I said to him that there was not a bit of testimony before our committee that he could not take and examine. If the gentleman from California would contradict or deny that statement, I would resign my membership in this House.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield.

Mr. VOORHIS of California. The gentleman does not mean to say that I would deny the statement.

Mr. ANDERSON of New Mexico. No; I said that, by way of supporting what I have said, because I have so much faith in the gentleman, I know that it could not have happened that the gentleman would deny it.

The gentleman from Pennsylvania referred to the fact that at one time he came to a member of the committee, and I plead guilty as being the member of

the committee, I believe, and at that time I tried to tell him what we had to face and what we had to consider.

Other Members—many of them—have come to me, and what I have tried to say to them is that there were certain of these persons that I could not believe should be removed from the Federal pay roll, but that there are other cases where the testimony showed they should be removed.

I want to deal with one of those cases, but I want to deal first, if I may, with one or two questions. The question was raised by the very fine gentleman from Alabama, one whom all of us love, as to why we could not have merely referred this to the House. I would have been delighted to do that, but unfortunately the House adopted a resolution which says that any legislation approved by the committee as a result of this resolution may be incorporated in any general or special appropriations measure as an amendment to any such measure. That is why a mere report is not enough.

I, like other members of the committee, feel our job was not done until we had completed the duty which the House had assigned to us. There was no misunderstanding as to what we were to do; it was clearly explained to the House.

When this resolution was before the House on February 9 many people spoke; the gentleman from Illinois [Mr. SARBATH], both the majority and minority leaders, the gentleman from Oklahoma [Mr. NICHOLS], the gentleman from Illinois [Mr. DIRKSEN], and the gentleman from Alabama [Mr. HOBBS], whom I so greatly admire.

May I read to you what that very splendid constitutional lawyer said on that day, and I am reading now from the remarks of the gentleman from Alabama [Mr. HOBBS]:

This resolution—

He refers to the resolution under which we bring this proceeding—

This resolution gives us a chance to do legally what Mr. DIES advocates. That is, to base separation from the pay roll upon evidence showing membership in, or association with, subversive organizations.

The adoption of this resolution will change the rule, as we have a perfect right to do. Its passage would relieve us of the high degree of proof now required. Adopt this resolution, and instead of being required to prove advocacy of or membership in an organization that advocates the overthrow of our Government, it will then be required to prove that an employee is unfit to continue in such employment by reason of his present association or membership or past association or membership in or with organizations whose aims or purposes are or have been subversive of the Government of the United States.

If you wish to liberalize the rule so as to assure our Government far greater protection from the employment of the disloyal and the unfit, pass this resolution, and be fair.

I submit to you that on the basis of those instructions we had a right to proceed as we did; moreover, we had a duty to proceed as we did.

One of the gentlemen asked that we may hear something about Mr. Dodd. I am not particularly pleased to make comments on anybody in this RECORD, but I am quite willing to do it upon re-

quest. Let me suggest to you first of all that we had some other people before our committee. Mr. Fahy, for example, was one of them. The committee found as to Mr. Fahy:

The committee has received testimonials as to the ability and character of Mr. Fahy from an exceptional variety of persons, and your committee is of the opinion that Mr. Fahy has not been guilty of any subversive activity, but that on the contrary he has and is rendering to the Government a loyal service in the handling of the vexatious economic and supply problems of the Territories of Puerto Rico and the Virgin Islands.

Does that sound like witch hunting?

We had before us Mr. Goldschmidt, and we found as to him, and I quote:

There is no evidence tending to show any subversive activity on the part of this employee at any time during his entire life, but, on the contrary, evidence shows that this employee is a patriotic, loyal, hard-working American and that he is now and has been rendering to the United States Government a high degree of service, and that he is a young man of the highest integrity and standing among his fellows and friends.

Does that sound like witch hunting?

No; we were trying to go through these cases and pick out the people who deserve to be criticized and the people who deserve to be praised. Bear in mind that 38 people are on this Dies list. One of the things this Congress is trying to do is give a certificate of character to those people who we believe do not belong in this list, as well as to point the finger at those that we do believe belong in it.

Now as to Mr. Dodd. On April 21 Mr. Dodd issued a statement in which he claimed to be "shocked at the nature of the duties which this committee takes upon itself," referring to the Kerr committee, and said of this committee, "It in effect sets up a star chamber procedure which places upon a black list members of the Government, and, without any attempt to determine the facts, makes it impossible for such employees to ever hold a Government job."

Let us see what Mr. Dodd told the Kerr committee on the 13th day of April under oath. At the conclusion of a long hearing in which every effort was made to determine the facts, he was asked by the chairman whether he had any further statements that he wanted to make, and he replied in the negative. The gentleman from Wisconsin [Mr. KEEFE] then said:

Do you believe that you have had a fair opportunity to present your views and opinions as to these charges that have been made with reference to you?

Mr. Dodd replied:

Yes, I feel so.

Mr. KEEFE continued:

You have been fairly and reasonably treated by this committee?

Mr. Dodd replied:

Certainly.

Then the gentleman from Wisconsin asked:

And have been given every opportunity to make any statement that you desired to make?

Mr. Dodd replied:

Yes, sir.

Does that sound like a star-chamber proceeding without any effort to determine the facts? The answer is, of course, that the newspaper release reports Mr. Dodd under fire and the testimony I have read is Mr. Dodd under oath.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield to the gentleman from Pennsylvania.

Mr. MURPHY. On page 7 of the committee's report it is stated that the particular reason the committee was against Mr. Dodd was "his admitted statement quoted in the World Hails the Twentieth Anniversary of the Soviet Union." What was the statement? What I want to know is the facts.

Mr. ANDERSON of New Mexico. Let me move on, first.

The testimony of Mr. Dodd given before our committee is that he was an employee of the American League for Peace and Democracy, an organization which the Department of Justice has found to be within the mandate of our public law that was passed by the Seventy-seventh Congress to investigate these very things. There is a man who not only was a member of it but who was its very employee, going around and trying to get other people in trouble as he was himself in trouble. We asked if he was a member of it or was an employee of it and he said, "I was both." He resigned from it in March in order to go to Virginia to run for Congress. He testified before the committee that he did not resign from it because he did not believe in its policies but because he did not want to be identified with it while he ran for public office.

He testified he was a member of the Washington Bookshop, that he knew that organization had been branded by the Attorney General of the United States as a front organization for subversive movements, but he did not think it was subversive. He told us he was still a member of it, in spite of the fact that the Attorney General had designated it as a front organization; that he had spoken before it, and that he seemed well satisfied with his whole connection with it.

He testified before the committee that he had spoken under the auspices of the American Friends of the Soviet Union, that he had spoken under the auspices of Medical Aid for China, an off-shoot of the American League for Peace and Democracy, that he spoke for the American Friends of the Chinese People, and that he gave a cocktail party for Harry Bridges at the time that the Attorney General had deportation proceedings pending against Bridges.

The committee was naturally interested in the fact that Mr. Dodd testified to us that Harry Bridges came to his apartment for a cocktail party and conference in 1940 or 1941 at a time when the Attorney General of the United States was recommending that Bridges be deported; that he knew there were deportation charges against Harry Bridges but they were not discussed that afternoon. He told us that the bills for

the party were paid by the Harry Bridges defense committee.

To go on, he told us that he lectured under the auspices of the North American Committee to Aid Spanish Democracy. He admitted that he permitted his name as a sponsor of the conference on pan-American democracy which was also found by the Attorney General to be within the scope of Public Law 135 and Public Law 644 of the Seventy-seventh Congress. He wrote for *Champion* magazine which has been listed as under Communist influence.

Now I want to deal just a little with an answer which James Lawrence Fly, Chairman of the Federal Communications Commission, filed with the gentleman from Virginia [Mr. WOODRUM] in the early part of this year. When asked about this Mr. Dodd replied to us that he had a copy of it but was not very familiar with it. Subsequently he told the committee that the statements that Mr. Fly made were made on what he told Mr. Fly, so that he, Dodd, was the real author of the letter.

In Mr. Fly's letter to the gentleman from Virginia [Mr. WOODRUM] a statement is made that at a meeting in February 1938 which was an Aid to China rally sponsored by the American League for Peace and Democracy, the William E. Dodd whom the Dies committee had charged as being a sponsor on that occasion was not William E. Dodd, Jr., employed by the Federal Communications Committee, but his father. When Mr. Dodd was questioned by the Federal Bureau of Investigation he included in his testimony the same typewritten statement and initialed it, saying that the person who made the speech was not William Dodd, Jr., but his father and yet, under questioning before the Kerr committee as to whether the speaker was young Dodd or his father, he replied "That was undoubtedly me." I maintain that it was wrong for any son to try to hold his position in the Government by throwing on to his dead father the reputation for his own acts.

Again take the Community Council for the Defense of American Democracy. In answer to questions as to this, Mr. Dodd told our committee, and I quote him directly, "I know that Mr. Fly said it was my father." He might have added that he told the F. B. I. it was his father. He might have added that he told Mr. Fly that it was his father, but when he got before our committee under oath and said "I know that Mr. Fly said it was my father" and was asked, "But you do not subscribe to that here?" he replied, "I would not say that I did not speak for it." Then he was asked, "Do you remember your father speaking for it?" and he replied, "I do not know."

Take another one. This was item 17 in the Fly reply to the gentleman from Virginia [Mr. WOODRUM] and in the F. B. I. memorandum. It referred to a booklet called *These Americans Say*, issued by the Coordinating Committee to Lift the Embargo and carried a statement by Mr. Dodd. Mr. Fly says the statement was made not by William E. Dodd, Jr., but by his father. Mr. Dodd told us that he gave Mr. Fly this infor-

mation. He told the F. B. I. on February 24, 1943, that it was his father, but when he was before our committee under oath and was asked whether he himself had written it, he replied: "I might very well have written it because I was in favor of lifting the embargo."

Take item 18 in the Fly response to the gentleman from Virginia [Mr. WOODRUM]. It refers to a publication of November 15, 1938, called *News You Don't Get*. It related that Mr. Dodd had signed the call to a Conference on Pan-American Democracy. The record should show that the Attorney General has listed the Conference on Pan-American Democracy as one of the organizations having possible subversive activities. The letterhead of that organization lists Mr. Dodd as a sponsor of the conference. Mr. Fly told the gentleman from Virginia [Mr. WOODRUM] that it was not William E. Dodd, Jr., but his father. Mr. Dodd told that to Mr. Fly. He told that to the F. B. I. but before our committee he testified that he was identified with that organization, that he is now identified with it, and when he was asked specifically whether he or his father signed the publication he replied: "I don't know". The next question was: "You could not say specifically?" His answer was "No". Yet he could state to the F. B. I. that it was his father, and Mr. Fly could state that to the gentleman from Virginia [Mr. WOODRUM].

Let us go to item 23 of Mr. Fly's memorandum to the gentleman from Virginia [Mr. WOODRUM] which Mr. Dodd filed with the F. B. I. That had to do with an article in the *Daily Worker* of January 24, 1938, reporting that Mr. Dodd attended a party sponsored by the League of Women Shoppers espousing a boycott against Japanese goods. The Fly memorandum says "Mr. Dodd did attend this party, which was a fashion show held in the home of former Governor and Mrs. Pinchot of Pennsylvania." Mr. Dodd supplied Mr. Fly with that information. He testified to it before the F. B. I. and when questioned about it under oath by our committee as to his connection with the League of Women Shoppers, he said, and I quote him directly, "I had no connection with that." "None whatever?" And his answer was "No." So he was told that there was mention of this meeting espousing a boycott on Japanese goods. I asked him, "You did not attend that?" He said, "Not that I recall." I told him it was staged at Governor Pinchot's home. He replied, "That was here in Washington. I know it was my father. I recall now specifically."

I hope you get the significance of that. Mr. Fly was willing to pat Mr. Dodd on the back for his foresight in supporting a boycott against Japanese goods. Mr. Dodd patted himself on the back before the F. B. I. as to his sponsorship of this worthy cause, but when he gets under oath, he has to put the credit back where it belonged, to his deceased father who was not able to defend himself in any other way.

So we went back at him and said, "Now, Mr. Dodd, before going further with the list, I would like to remind you

that Mr. Fly's reply to the gentleman from Virginia [Mr. WOODRUM] said you did attend the meeting at Governor Pinchot's place. Previously you said you furnished him with the information. Now you testified that you did not attend the party." Mr. Dodd asked, "Governor Pinchot's?" and received an affirmative answer. He then said, "I did not attend." He was asked if Mr. Fly was then just guilty of a misstatement, and he replied, "I don't know how he could have stated that. There is a possibility of typographical errors." But it was pointed out to him that he had given the description of the party to Mr. Fly which Mr. Fly had put in his answer to the gentleman from Virginia [Mr. WOODRUM], and Dodd commented by saying, "I am sorry, but I was not there."

Now we come to item 24 in the Fly memorandum to the gentleman from Virginia [Mr. WOODRUM] which sets forth that the *New Masses* on April 22, 1941, reported that Mr. Dodd had signed the call to the Fourth Congress of the League of American Writers. This League of American Writers has been listed by the Attorney General as one of the organizations found to be within the scope of Public Law 135 and Public Law 644. There are some good Americans who belong to the organization, so the Fly memorandum says "Mr. Dodd did sign this call." He was asked about this under oath before our committee, and he said, "I did not sign; no." So he was asked, "That was your father?", and he replied, "No; my father was dead then." I said to him, "That was April 22, 1941; you did not sign it?" He replied, "No, sir; I did not."

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. TABER. I yield to the gentleman 4 minutes more.

Mr. ANDERSON of New Mexico. Mr. Chairman, I thank the gentleman from New York. I submit to this House that a man who is as unstable in his recollection of occurrences of events as this, is a very poor person to have on a public pay roll. It was very convenient to blame his father, who was in his grave, but it was hardly what most of us conceive to be proper respect which a son should bear toward his own flesh and blood.

I suggest that Mr. Fly has not done the cause of the Federal Communications Commission any good by passing on to the distinguished gentleman from Virginia [Mr. WOODRUM] such misleading information over his own signature when by the testimony of Mr. Dodd before our committee, Mr. Fly had never talked to Mr. Dodd and had no personal knowledge whatever of what his answer to the gentleman from Virginia [Mr. WOODRUM] correctly should have been.

I would like further to refer to an additional item which may have no bearing on his connection with subversive organizations but does give us an index as to how valuable an employee he is to the Federal Government. The Federal Communications Commission, through the administrative officer of its Foreign Broadcasts Monitoring Service, Thompson A. Moore, swore on the 29th

of June 1942, that William E. Dodd, Jr., was essential to the war effort and on the basis of that the local draft board of Loudoun County, Leesburg, Va., was asked to defer Mr. Dodd and place him in class B-2 as a necessary war worker. On March 29, 1943, he was reclassified as a result of the appeal taken in his case. Mr. Dodd told us and others who investigated him that he was an assistant wire editor for the Foreign Broadcasting Intelligence Service of the Federal Communications Commission. Under examination before our committee he testified that he was doing editorial work. Let me give you his exact words:

You take broadcasts, summaries of broadcasts, or text of broadcasts made by various radio stations in the world. They come in on paper; carbon copies come in and you have to edit it. In other words, you put in the "the's" and "and's" and divide it up into paragraphs and give it a slug line. It is newspaper work. It is copy editing.

This, my friends, is essential war work for which he should be deferred from the operations of the Selective Service Act in the opinion of the Federal Communications Commission.

So he was asked what newspaper experience he had had in questions like these: "Did you ever work on a city desk?" "No, sir." "Have you ever been a reporter?" "No, sir." "Have you ever been a copy chopper?" "No, sir." "What particular qualifications did you feel you had to be a news editor?" Here is Dodd's answer:

I was brought into the Federal Communications Commission in the report section. They put out a mimeograph report summarizing German broadcasts; that is, the main news items that are put out on the Berlin radio. There were four or five of us who sat in a room and simply picked out the items which were new each day and threw away the old items. We were simply doing an editing job in the sense that we were making it readable, putting in the 'e's and 'and's and paragraphing it. We don't change the meaning. It is not the duty of the editorial report section to ever change the meaning of any reports that come in. We quote them directly as they come in over the radio.

Notice the difference in the affidavit to support claim for occupational deferment which was filed for Mr. Dodd. Question 7a requires the Commission to give an accurate and full description of his duties. Here is the wording which they gave:

Summarizes and analyzes intelligence, military, economic, and political which may be received through foreign short-wave broadcasts giving factual surveys of their overt content; examines and is charged with digesting and evaluating broadcasts; selects and composes bulletins to be issued at shorter than daily intervals.

Now let us ask how honest Mr. Dodd was when he said he had no newspaper experience. In the files of the Government there is confidential information which shows clearly that Mr. Dodd was the publisher of United States Week, a midwestern version of the Daily Worker, which was taken to Milwaukee, Wis., and I quote now directly from the Government files:

For the express purpose of exploiting the German isolationism in that section.

One of the editors of the paper was Richard O. Boyer, who is now an editor of New Masses, a Communist Party paper.

Mr. Dodd leased an apartment at 231 East Seventy-sixth Street, New York City. The files of your Government contain information as to meetings steadily held in this apartment. When Mr. Dodd leased the apartment he gave as a reference Richard O. Boyer, this editor of the New Masses and said that his own business address was U. S. Week, Milwaukee, Wis.

May I close by pointing out that in Soviet Russia today there is a quotation from William E. Dodd, Jr., which he admits that he wrote, which reads:

Twice I have made flying trips to the Soviet Union, and after each one I have left with the feeling that here is a nation which carries the future of our civilization. Here there is hope, justice, and progress. The heroic struggle which the Soviet Union has made for world peace is just beginning to be realized, and other democratic nations are recognizing that her way is the only way to preserve peace.

Those who believe that the Russian Government represents the only way to preserve peace should naturally sustain Mr. Dodd. Those who believe that the United Nations, of which Britain and America are parts, can contribute to the peace of the world by the preservation of their existing governments, will want to sustain the committee.

I submit this man has no place on the Government pay roll.

The CHAIRMAN. The time of the gentleman from New Mexico has again expired. All time has expired. The question is on the amendment offered by the gentleman from North Carolina [Mr. KERR].

Mr. CASE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. CASE to the amendment offered by Mr. KERR: Line 12, strike out the period and insert a colon and the following: "Provided further, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury, or as a member of the armed forces of the United States, nor any benefit, pension, or emolument resulting therefrom."

Mr. CANNON of Missouri. Mr. Chairman, the committee has no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

Mr. CELLER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Strike out all of the Kerr committee amendment as amended and insert "Sec. 304. Only the executive branch of the Government may remove any employee in the executive departments, because under the dictum of *Myers v. United States* the Supreme Court says, "Removal of executive officials from office is an Executive function, and that the power to remove, like the power to appoint, is part of the Executive power—a conclusion which is confirmed by the Presidential obligation to take care that the laws be faithfully executed."

Mr. TABER. Mr. Chairman, I make the point of order that that is legislation on an appropriation bill, and not in order under rule XXI.

Mr. RANKIN. Mr. Chairman, I make the further point of order that it is not germane.

The CHAIRMAN. Does the gentleman from New York desire to be heard?

Mr. CELLER. I do not.

The CHAIRMAN. Does the gentleman from New York [Mr. TABER] desire to be heard further?

Mr. TABER. No.

The CHAIRMAN. The Chair rules that it is not germane and the point of order is sustained. The question is on the amendment offered by the gentleman from North Carolina [Mr. KERR].

The question was taken, and the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. CANNON of Missouri. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PATMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 2714 and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Without objection, the previous question will be ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. POWERS. Mr. Speaker, I demand a separate vote on the Kerr amendment.

Mr. CANNON of Missouri. Mr. Speaker, I demand a separate vote on the so-called Taber amendment, and also on the amendment respecting subversive activities.

The SPEAKER. The Clerk will report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. TABER: Insert, page 2, after line 25, the following: "Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for the National Resources Planning Board or the Farm Security Administration or for any of the functions of either said Board or said Administration."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. CANNON of Missouri) there were—ayes 155, noes 101.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. KERR: On page 36, after line 23, insert as a new section the following:

"Sec. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this act, or (2) which is now, or which is hereafter made,

available under or pursuant to any other act, to any department, agency, or instrumentality of the United States, shall be used to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Jr., and Robert Morss Lovett: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to the date of the enactment of this act: *Provided further*, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States, nor any benefit, pension, or emolument resulting therefrom."

The SPEAKER. The question is on agreeing to the amendment.

Mr. CANNON of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 318, nays 62, answered "present" 1, not voting 51, as follows:

[Roll No. 76]

YEAS—318

Abernethy	Dirksen	Horan
Allen, Ill.	Disney	Howell
Allen, La.	Ditter	Jarman
Andersen	Dondero	Jeffrey
H. Carl	Doughton	Jenkins
Anderson,	Douglas	Jennings
N. Mex.	Drewry	Jensen
Andresen,	Durham	Johnson,
August H.	Dworshak	Anton J.
Andrews	Eaton	Johnson,
Angell	Eberharter	Calvin D.
Arends	Ellis	Johnson, Ind.
Baldwin, Md.	Ellsworth	Johnson,
Barden	Elmer	J. Leroy
Barrett	Elston, Ohio	Johnson,
Barry	Engel	Luther A.
Bates, Ky.	Fay	Johnson,
Bates, Mass.	Feighan	Lyndon B.
Beall	Fellows	Johnson, Okla.
Beckworth	Fenton	Johnson, Ward
Bennett, Mich.	Flash	Jones
Bennett, Mo.	Flisher	Jonkman
Bishop	Flannagan	Kearney
Blackney	Forand	Keefe
Bland	Fulmer	Kennedy
Bolton	Gallagher	Kerr
Bonner	Gamble	Kilburn
Boren	Gathings	Kilday
Bradley, Mich.	Gavagan	Klinzer
Bradley, Pa.	Gavin	Kleberg
Brehm	Gearhart	Knutson
Brooks	Gerlach	Kunkel
Brown, Ga.	Gibson	Lambertson
Brown, Ohio	Gifford	Landis
Bryson	Gilchrist	Lane
Buffett	Gillette	Lanham
Burch, Va.	Gillie	Larcade
Busbey	Gore	LeCompte
Butler	Gossett	LeFevre
Byrne	Graham	Lesinski
Camp	Grant, Ala.	Lewis
Canfield	Grant, Ind.	Ludlow
Cannon, Fla.	Green	McCord
Cannon, Mo.	Gregory	McCormack
Carlson, Kans.	Griffiths	McCowen
Carlson, Ohio	Gross	McGehee
Carter	Hagen	McGregor
Case	Hall,	McKenzie
Chenoweth	Edwin Arthur	McLean
Chipherfield	Hall,	McMillan
Church	Leonard W.	McWilliams
Clason	Halleck	Madden
Clevenger	Hancock	Mahon
Cole, Mo.	Hare	Maloney
Cole, N. Y.	Harness, Ind.	Manasco
Colmer	Harris, Ark.	Mansfield, Tex.
Compton	Harris, Va.	Martin, Iowa
Cooper	Hartley	Martin, Mass.
Courtney	Hébert	Mason
Cox	Heidinger	May
Cravens	Hendricks	Merritt
Crawford	Hess	Morrow
Cunningham	Hill	Michener
Curley	Hoch	Miller, Conn.
Curtis	Hoeven	Miller, Nebr.
D'Alesandro	Hoffman	Miller, Pa.
Davis	Holmes, Mass.	Mills
Day	Holmes, Wash.	Monkiewicz
Dewey	Hope	Monroney

Morrison, La.	Rivers	Sumners, Tex.
Morrison, N. C.	Ritzley	Sundstrom
Mott	Robertson	Taber
Mruk	Robison, Ky.	Talbot
Mundt	Rockwell	Talle
Murphy	Rodgers, Pa.	Tarver
Murray, Tenn.	Rogers, Mass.	Taylor
Murray, Wis.	Rohrbough	Thomas, Tex.
Newsome	Rowe	Thomason
Norman	Russell	Tibbott
Norrell	Sasser	Towe
O'Brien, Ill.	Satterfield	Treadway
O'Brien, N. Y.	Sauthoff	Troutman
O'Hara	Schiffier	Van Zandt
O'Neal	Schuetz	Vincent, Ky.
Pace	Schwabe	Vorys, Ohio
Patman	Scott	Vursell
Patton	Shafer	Wadsworth
Peterson, Fla.	Sheppard	Walter
Peterson, Ga.	Sheridan	Ward
Philbin	Short	Wastelewski
Phillips	Sikes	Weaver
Pittenger	Simpson, Ill.	Weichel, Ohio
Ploeser	Simpson, Pa.	West
Plumley	Slaughter	Wheat
Poage	Smith, Ohio	Whitten
Poulson	Smith, Va.	Whittington
Powers	Smith, Wis.	Wickersham
Pracht	Snyder	Wigglesworth
Price	Somers, N. Y.	Willey
Priest	Sparkman	Wilson
Rabaut	Springer	Winstead
Ramey	Stanley	Winter
Ramspeck	Starnes, Ala.	Wolcott
Randolph	Steagall	Wolfenden, Pa.
Rankin	Stefan	Wolverton, N. J.
Reece, Tenn.	Stevenson	Woodrum, Va.
Reed, Ill.	Stewart	Wright
Reed, N. Y.	Stockman	Zimmerman
Rees, Kans.	Sullivan	
Richards	Sumner, Ill.	

NAYS—62

Baldwin, N. Y.	Furlong	LaFollette
Bender	Gale	Lemke
Bloom	Gordon	Lynch
Buckley	Gorski	McMurray
Burchill, N. Y.	Gwynne	Mansfield,
Burdick	Hale	Mont.
Capozzoli	Hart	Marcantonio
Celler	Hays	Myers
Coffee	Heffernan	O'Connor
Cooley	Hobbs	O'Leary
Crosser	Hollfield	Outland
Delaney	Hull	Pfeifer
Dickstein	Jackson	Rogers, Calif.
Dillweg	Kean	Rowan
Dingell	Kee	Sadowski
Domengeaux	Kefauver	Scanlon
Ellison, Md.	Kelley	Smith, W. Va.
Fitzpatrick	Keogh	Stearns, N. H.
Folger	King	Voorhis, Calif.
Ford	Kirwan	Weiss
Fulbright	Klein	Wene

ANSWERED "PRESENT"—1

Burgin

NOT VOTING—51

Anderson, Calif.	Fogarty	Norton
Arnold	Goodwin	O'Brien, Mich.
Auchincloss	Granger	O'Konski
Bell	Guyer	O'Toole
Boykin	Harless, Ariz.	Robinson, Utah
Bulwinkle	Hertei	Rolph
Chapman	Hinsaw	Sabath
Clark	Izac	Smith, Maine
Cochran	Judd	Spence
Costello	Lea	Thomas, N. J.
Creal	Luce	Tolan
Culkin	McGranery	Vinson, Ga.
Cullen	Maas	Welch
Dawson	Magnuson	Whichel, Ga.
Dies	Miller, Mo.	White
Elliott	Murdock	Woodruff, Mich.
Fernandez	Nichols	Worley

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Auchincloss for, with Mr. Herter against.

Mr. Miller of Missouri for, with Mr. Cullen against.

Mr. Vinson of Georgia for, with Mrs. Norton against.

Mr. Thomas of New Jersey for, with Mrs. Luce against.

General pairs:

Mr. Fogarty with Mr. Anderson of California.

Mr. Izac with Mrs. Smith of Maine.
Mr. Costello with Mr. Rolph.
Mr. Cochran with Mr. Welch.
Mr. O'Toole with Mr. Woodruff of Michigan.
Mr. Bulwinkle with Mr. Goodwin.
Mr. Clark with Mr. Arnold.
Mr. McGranery with Mr. Maas.
Mr. Dies with Mr. Guyer.
Mr. Boykin with Mr. Judd.
Mr. Worley with Mr. Culkin.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that the clerk to the committee may be authorized to correct section numbers in the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND REMARKS

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that all Members who spoke on the bill just passed may have 5 legislative days in which to extend their own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in Committee of the Whole at the point I made them and include therein quotations from authorities and certain citations of authorities and other matters.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the Record and include an article from the Chicago Tribune.

The SPEAKER. Is there objection?

There was no objection.

[The matter referred to appears in the Appendix.]

(By unanimous consent, Mr. KENNEDY and Mr. VOORHIS of California were granted permission to extend their own remarks in the Record.)

CORRECTION OF THE RECORD

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to correct the Record. Page 4621, column 1, line 17, the word "Congress" should read "Constitution."

The SPEAKER. Without objection, the Record will be corrected accordingly.

There was no objection.

EXTENSION OF REMARKS

Mr. COFFEE. Mr. Speaker, I ask unanimous consent that in connection with the remarks I made on the bill just

passed there may be appended a statement of the Federal Communications Commission. That statement exceeds the quota and I have an estimate from the Public Printer that it will amount to \$180. I renew my request notwithstanding.

The SPEAKER. Without objection, it is so ordered.

There was no objection.
(By unanimous consent, Mr. MARC-ANTONIO was granted permission to revise and extend the remarks he made in Committee of the Whole.)

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that upon Friday, after the conclusion of the legislative business on the Speaker's desk and any other special orders, I may proceed for 15 minutes.

The SPEAKER. Is there objection? There was no objection.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin [Mr. DILWEG] is recognized for 20 minutes.

EXTENSION OF REMARKS

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the Committee of the Whole today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPORTS IN WAR

Mr. DILWEG. Mr. Speaker, it is my purpose today to call your attention to the part sports are playing in our American victory drive—to bring you up to date, perhaps, on how sports must serve all of us as we prosecute the most heroic task ever assigned to the American people.

The point I will make is that sports on the American scene—instead of being curtailed for the duration—should be encouraged on a wider scale, with all of us engaging in some kind of physical activity.

I could preface my remarks by reminding you that we are fighting to preserve the American way of life—and insist that it is the American way of life that will lead us to eventual and complete victory. Sports, I contend, are so much a part of our American way of doing things that to abandon them now—or even curtail them—would work a serious set-back in our drive to victory.

Sports are the backbone of American physical fitness.

All of us today need exercise more than ever before. We are convinced that we must have physical strength and endurance to meet the physical chores assigned to us each day—but more than that, we must have additional strength and endurance to cope with any emergency that will require extra physical endeavor.

The leaders of the armed forces subscribe to this theory of physical development. Our soldiers, sailors, marines, and coast guardsmen must have more than 100 percent physical fitness. They must be 110 to 125 percent physically fit

to be ready to carry on beyond the requirements of physical perfection, as we have understood the term in the past.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. DILWEG. I yield.

Mr. FISH. Mr. Speaker, I should like to call the attention of the House to the fact that the gentleman now speaking has more right to speak on American athletics than almost anybody in America. For years he played on the Green Bay Packers as end and was All-American professional end for 3 years.

Mr. DILWEG. I thank the gentleman.

We on the civilian front must also be more than 100 percent physically capable, so that we will be ready to meet any emergency.

Now—and I can cite a wealth of authority for this statement—the only way that we can attain a high level of physical strength and endurance is through hard physical work—strenuous exercise that will build muscle structure which will carry the physical load assigned to us—and at the same time give us the agility to better perform our tasks.

It may sound ridiculous on the face of it to say that a man doing what we call hard manual labor today needs exercise after he completes his day's work.

But that happens to be the case, because there is hardly such a thing today as hard work. There is tedious work, of course, but machines have so usurped the drudgery of heavy lifting and other strenuous jobs that even the hardest-working laborer today gets only exercise that develops certain parts of his body, at best.

Total fitness depends upon a totally fit human physical structure. Every part of the body—the hands, the arms, the shoulders, the back, the legs, the feet—must be able to function at prescribed daily tasks without undue fatigue—and have a little left to carry the physical burden of emergency assignments.

Exercise is the answer.

Now, exercise can be work or play.

If we accept it as work, few of us will get all the exercise we need.

If we make our exercise play, it comes in enjoyable doses.

That is where sports come in. Sports are the American way of getting exercise and making it fun.

It follows, then, that America must play harder and oftener right now than ever before.

We must impress upon the American people that it is patriotic to play—since through play we get exercise—and through exercise we attain that physical endurance so necessary in every individual today.

This play serves a dual role. In addition to affording us physical expression, it serves, too, as a change of pace—a release through relaxation—that makes us better fit emotionally, if not mentally, to meet the challenge of our daily tasks and accept new tasks with enthusiasm.

And here is a point I would like to interject. Providing the body is physically sound—that is, if the heart and other organs are not aggravated by disease—an individual cannot overexercise, ac-

cording to the latest authentic physiological opinions.

Those of us, for example, who have played golf in the past, should play more golf today. We should play harder at golf to utilize the game for its contributions to physical fitness. If we do not play golf, we should find some other physical hobby—some sport, some game—that we will play for enjoyment and from which we will derive physical work.

This theory of physical fitness may be something new to most of us, but it has been practiced by physical trainers for many years. A boxer, using extra heavy gloves, will punch a heavy bag and do grueling road work to develop his wind, his strength, and his endurance to take something extra physically into the ring with him. Track athletes run distances longer than their competitive requirements for the same reason. A baseball player will swing two or three bats before he goes up to hit, knowing that the extra weight will make the single bat he uses at the plate seem much lighter. Football players, engaging in the roughest of all American games, will run laps around the goal posts after formal practice to get that something extra physically.

We in civilian life must profit by the experience of the men in our armed forces and our athletes, who are supermen physically. All of us must take up some physical sport, whether it is golfing, swimming, bowling, handball, wrestling, walking, tennis, softball, horseshoe pitching, or any of scores of games, determining beforehand the condition of our heart and other organs, and choosing a physical hobby, a sport, that befits our age.

We must play hard at that sport every day to reap the full benefits of physical fitness.

My remarks, so far, have been for the adults of this Nation, the folks who have taken the easy way out for a number of years when physical exertion could be sidestepped.

You do not have to tell the American youngster, the lads of elementary school, high school, and college age, to take up sports. Our American youngsters play, and play hard, at games, from which, if the elements of fun, competitive fight, individual expression, and teamwork were removed, would be regarded as the hardest kind of work.

These youngsters must have these games more today than ever before, since participation in these sports give our American boys plus values that make them the best soldiers and sailors in the world. If you are inclined to doubt this point, ask any of our military leaders on the battle fronts.

Take the American game of football, for example. It is warfare on a friendly scale. The very nature of the game requires physical perfection, physical power that allows the boy to put out just that much more when the chips are down.

And what does the boy get in addition? He develops a will to win that brooks no defeat. He is exposed to strategy which impresses upon him the value of discipline and teamwork and allows

LEGISLATIVE SERVICE SECTION
Office of Budget and Finance

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URGENT DEFICIENCY

APPROPRIATION BILL FOR 1943

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE

SEVENTY-EIGHTH CONGRESS

FIRST SESSION

ON

H. R. 2714

AN ACT MAKING APPROPRIATIONS TO SUPPLY URGENT
DEFICIENCIES IN CERTAIN APPROPRIATIONS FOR
THE FISCAL YEAR ENDING JUNE 30, 1943,
AND FOR PRIOR FISCAL YEARS, AND
FOR OTHER PURPOSES

May 20, 1943

Printed for the use of the Committee on Appropriations



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URGENT DEFICIENCY APPROPRIATION BILL FOR 1943

THURSDAY, MAY 20, 1943

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D. C.

The subcommittee met, pursuant to call, at 10:30 a. m., Hon. Kenneth McKellar presiding.

Present: Senators McKellar (presiding), Hayden, Thomas, Overton, Holman, and Lodge.

DEFENSE OF MR. ROBERT MORSS LOVETT

STATEMENTS OF HON. HAROLD L. ICKES, SECRETARY OF THE INTERIOR, AND WARNER W. GARDNER, SOLICITOR, DEPARTMENT OF THE INTERIOR

Senator McKELLAR. Well, gentlemen, you will come to order.

Mr. Secretary, you are here and we will be glad to hear you in any way you see fit.

Secretary ICKES. I would like to make a statement.

Senator McKELLAR. Very well.

Secretary ICKES. I appear before you to ask that you do not permit a man against whom nothing disloyal or subversive has been shown to be branded for life by a reckless piece of legislation nailed onto an urgent war appropriation bill.

That item is section 304 of H. R. 2714, now before this Senate committee as a rider placed on an urgent deficiency bill in the House.

Senator McKELLAR. Let me interrupt you. That is on page 36 of your bill.

Secretary ICKES. It attempts to convict Robert Morss Lovett, Government Secretary of the Virgin Islands, of being "unfit for Government service," and to kick him out with a stigma attached to his name without his having had a decent opportunity for defense anywhere. This proposed punitive legislation by the Congress of the United States is a performance which this democracy cannot tolerate.

MR. LOVETT ONLY GUILTY OF HOLDING OPINIONS WHICH DIFFER FROM THOSE
OF CERTAIN MEMBERS OF THE HOUSE

Mr. Lovett is not accused of breaking any law and he is not guilty of breaking any law. He is accused, at the most, of just one thing—

holding opinions which some Members of the House of Representatives do not agree with, and the holding of which is no crime in this country. In large part he is convicted by the House, not even for his own opinions, but for those held by others with whom he has had some fugitive connection.

SECTION 304 UNCONSTITUTIONAL

I. The proposed rider is unconstitutional because it invades the Executive powers of the President.

This is not by any means a new issue. It was discussed in the First Congress, which included many men who had participated in drafting the Constitution. The Congress was entirely clear that it had no power whatever to remove any executive officer (1 Ann. of Cong. 473-608).

POWER TO REMOVE RESTS WITH PRESIDENT

The Supreme Court, from as early as 1839 to the present day, has always followed the same rule. It has said that it is "the settled and well understood construction of the Constitution that the power of removal was vested in the President alone." (Ex parte Hennen, 13 Pet. 230, 259.) Chief Justice Taft, in *Myers v. United States* (272 U. S. 52, 161), said that if Congress sought to remove an executive officer, or even to participate in his removal, it would "infringe the constitutional principle of the separation of governmental powers."

PROCEDURE UNDER THE CONSTITUTION FOR REMOVAL OF EXECUTIVE OFFICER

The framers of the Constitution took pains to specify the offenses for which and the procedures by which the Congress could remove an executive officer. There is no suggestion that Mr. Lovett has been guilty of treason, bribery, or other high crimes and misdemeanors, for which he could be impeached. The Constitution provides an elaborate procedure for the removal of officers, including impeachment by the House, trial by the Senate on oath or affirmation, and conviction by a two-thirds vote. It is inconceivable that the framers of the Constitution would have supposed the Congress could avoid this carefully designed procedure by the simple expedient of attaching a rider to an appropriation bill.

PROPOSED SECTION INVALID AS A BILL OF ATTAINDER

Even apart from the constitutional requirement that the Congress shall not invade the executive power of removal, the proposed rider is invalid as a bill of attainder. The Supreme Court in *Cummings v. Missouri* (4 Wall. 277), held a law to be an unconstitutional bill of attainder because it forbade holding public office, or teaching, unless one swore that he had never been hostile to the United States. Its decision applies with even greater force here, for the Court said—p. 323—the statute was unconstitutional because—

the legislative body * * * exercises the powers and office of judge; it assumes, in the language of the textbooks, judicial magistracy; it pronounces upon the guilty of the party, without any of the forms or safeguards of trial; it determines the sufficiency of the proofs produced, whether conformable to the rules of evidence or otherwise.

This language is more elegant than I would use with respect to the House "trials" of these accused men, but fits the case exactly.

MR. LOVETT EXAMINED IN SECRET SESSION WITHOUT BENEFIT OF COUNSEL

II. The Kerr subcommittee assumed a very delicate and responsible task when it undertook to pass judgment upon a man's life. The job was particularly difficult in the case of Mr. Lovett, who already has 73 active years to his credit. I know and have a great respect for a number of the members of the Kerr subcommittee, and I am sure that they were trying to do a fair and honest job. But the procedures which the subcommittee unfortunately adopted made a sound result impossible and served to deny to Mr. Lovett rights which have always been basic under our form of government.

On April 14, Mr. Lovett received a note asking him to appear before the Kerr subcommittee on the next day. There he was examined by the subcommittee in a secret session of about 2 hours' length. He had no detailed specification of the charges against him. He had no counsel. Indeed, the subcommittee denied the request of the Solicitor of this Department that he be allowed to attend merely as a departmental observer.

I do not know what happened in that secret session but I gather that it consisted only of answering questions and making explanations of the particular charges. There was no opportunity to bring witnesses on behalf of Mr. Lovett. There was no chance for him to undertake the extended work necessary to verify or qualify some of the things attributed to him by Congressman Dies. Most important of all, in the case of Mr. Lovett, there was no adequate opportunity to develop the great variety of facts and circumstances which demonstrate that he has been a loyal, patriotic American, and one who is rendering a real service to the people of the Virgin Islands and to the United States. The transcript of the hearing was not shown to Mr. Lovett, to the Department of the Interior, or even to the House of Representatives, which voted his conviction.

A man under our Constitution is entitled to counsel when tried even for minor criminal offenses, where the only issue is whether or not a simple act was done. Here the charge, subversive activity against our Government in time of war, is far more serious. The penalty, a reflection upon the man's good name and the loss of his livelihood, is far greater. The issues, involving the balance of the whole of his past life, are far more complicated. Yet the Kerr subcommittee not only denied the right of counsel but conducted its interrogation in a secret session, the transcript of which is still unavailable. This, I submit, is not the American way to do things. This indeed is an un-American activity.

MR. LOVETT HAS HAD DISTINGUISHED CAREER AS EDUCATOR AND AUTHOR

III. The lack of constitutional power to attach such a rider as this, and the unfair procedures used, may be more basic than the actual guilt or innocence of Mr. Lovett of subversive activities. But the Senate, after all, is asked to participate in the judgment of condemnation and, in fairness to Mr. Lovett and to the Senate, I should like to show what a serious mistake the House has made as to the man.

I have known Mr. Lovett for all of 45 years. I feel, therefore, that my judgment of him has been tried by long experience. And I believe it to be correct.

Mr. Lovett has had a distinguished career as an author and educator. He was professor of English literature at the University of Chicago for 45 years. He has written 11 books in his field, and he was an associate editor of the New Republic for 20 years. His only son was killed in action in Belleau Wood in the last war.

MR. LOVETT HAS BEEN PROFOUNDLY INTERESTED IN CIVIL LIBERTIES,
MAINTENANCE OF PEACE, AND RIGHTS OF LABOR

Throughout his life Mr. Lovett has been profoundly interested in civil liberties, the maintenance of peace, the rights of labor, and an orderly and constitutional improvement of our economic and governmental procedures. This record obviously does not make Mr. Lovett unfit for governmental service. His only offense in the eyes of Congressman Dies and the Kerr subcommittee seems to be that he has far too readily joined and lent his name to almost any organization that was directed to one or the other of the ends which he has cherished. Some of the organizations have included Communists among their members. But this does not mean that Mr. Lovett was a Communist sympathizer. It means only that he would work alongside of anyone who sought to obtain a worth-while objective without any concern as to his other activities or beliefs.

MR. LOVETT NOT A COMMUNIST

The evidence shows quite plainly that Mr. Lovett was himself neither a Communist nor sympathetic with the political objectives of the Communists. For 20 years he was president of the League for Industrial Democracy, a Socialist organization bitterly attacked by the Communists except for the brief honeymoon of the so-called popular front period. After the Stalin-Hitler pact of 1939, and before June 1941, no Communist or Communist sympathizer advocated preparedness or aid to the Allies. On the contrary, Mr. Lovett was a vigorous and outspoken advocate of both. He has been active in an organization which investigated political persecution in Soviet Russia. While friendly to that experiment in government, and appreciative of it as a Russian solution to the Russian problems, he was willing to aid in the publication of a book exposing and attacking graft in the Soviet Government.

The test of the fitness of an officer of the Government cannot fairly be the political views of persons with whom he has in the past been associated for nonpolitical objectives. The very organizations used by Congressman Dies and the Kerr subcommittee to brand Mr. Lovett as "subversive" could be used to pin the same label on Wendell Willkie, Thomas E. Dewey, Frank Murphy, Robert H. Jackson, Cordell Hull, James Farley, and Harold L. Ickes; Senators Pepper, Elbert D. Thomas, Wagner, Green, Murray, and Murdock; Congressmen Thomas F. Ford, Edward Izac, John M. Coffee, John Lesinski, Emanuel Celler, Michael J. Bradley, and Adolph Sabath; and Federal Judges William Holly and Louis Schwollenbach.

Senator THOMAS. I will ask the reporter to be certain that is not myself.

Mr. GARDNER. It is Senator Thomas of Utah.

Secretary ICKES. Let me insert there, Senator Thomas of Utah.

The only satisfactory or fair test is how the man is doing his job, what the people whom he serves think of him, and what is his standing among his neighbors. The people of the Virgin Islands have known Mr. Lovett continuously and intimately for the past 4 years. The strength and the unanimity of their tribute to him is really remarkable.

MUNICIPAL COUNCILS OF VIRGIN ISLANDS ENDORSE MR. LOVETT

The two municipal councils of the islands, meeting in joint session, unanimously approved a letter from their two chairmen to Congressman Kerr which declared that the people of the islands have found Mr. Lovett throughout his 4 years of service, "an American gentleman, a patriotic citizen, and a humane administrator," and see in him the symbol of the American flag for which their sons are fighting.

Both the Daily News and the Progressive Guide, the newspapers of the Virgin Islands, on learning of the Dies charges, published splendid tributes to Mr. Lovett. The Daily News, after pointing out that it is often critical of the administration and its officials, says that "Mr. Lovett is doing a good job here and no one realizes it better than the people for whom he has worked so selflessly."

POSITION OF GOVERNMENT SECRETARY TO VIRGIN ISLANDS PRESIDENTIAL APPOINTMENT

Senator McKELLAR. Would you mind stating just what position he holds in the islands?

Secretary ICKES. Government secretary, which is equivalent to Lieutenant Governor.

Senator McKELLAR. Is he confirmed by the Senate?

Secretary ICKES. Yes; it is a Presidential appointment.

Mr. GARDNER. As a matter of fact, Mr. Secretary, it is a peculiar appointment. It is not confirmed by the Senate.

QUESTION AS TO WHETHER WITHHOLDING COMPENSATION IS EQUIVALENT TO REMOVAL FROM OFFICE

Secretary ICKES. I took it for granted it was because it is a Presidential appointment.

Senator OVERTON. While you are being interrupted, as I came in a little late, but I note your argument on the constitutionality of this provision which is to the effect that the legislative branch of the Government has no authority to remove except by impeachment, and that the removal of Mr. Lovett from his office is unconstitutional, and you quote certain decisions. Have you any decisions where withholding of compensation is equivalent to removal of office?

Secretary ICKES. That has not been tested.

Mr. GARDNER. It has never been tested in the Federal courts. The only case I know of where it was raised was in the State of Missouri, where the Missouri courts held it was unconstitutional.

Senator OVERTON. That it operated as a removal from office if you removed the compensation.

Mr. GARDNER. Yes, sir.

Senator OVERTON. Of course Lovett or anyone else could serve without compensation. This is not an actual removal. I am not passing on the question, but Lovett may continue to serve but Lovett shall not be paid out of any appropriation made in this or any other bill for any services he may render.

Mr. GARDNER. I think——

Senator McKELLAR (interposing). I suggest the Secretary go ahead with his statement.

Senator OVERTON. All right, we can refer to it later.

Senator McKELLAR. It may be better for the Secretary to go on because all of us have some questions, I am sure.

PEOPLE OF ISLANDS WISH MR. LOVETT RETAINED

Secretary ICKES. The Daily News further said, "No, continental official sent here has been more loyal and honest."

The St. Thomas Businessmen's Association recently cabled the President and me in emphatic terms to urge the retention of Mr. Lovett. The agent of the Federal Bureau of Investigation who talked to many people in the Virgin Islands found not one who had seen any indication that Mr. Lovett was a Communist or harbored subversive sympathies. Typical comments are: "A wonderful person, thoroughly loyal to the United States." "A kind-hearted old man." "A fine person who * * * wanted to do everything possible for the poor people." "A fine old man and a loyal American citizen," and "Always ready to come to the assistance of the underdog."

These are the people who have been in daily contact with Mr. Lovett. These are the people of the none-too-prosperous islands which we govern. These are the people whose interests are at stake. There is not a man in Washington, and I venture to say not a man in our State capitols, who could draw such an impressive tribute from the people whom he serves and the legislature with which he works.

This committee, I hope, will not believe that it is some peculiarity of the Virgin Islanders that they see a kindly and lovable man where Congressman Dies and the Kerr subcommittee see a subversive and dangerous character. I may say, without any exception known to me, that everyone who has known Mr. Lovett as a man, and not merely as one who joined too many organizations, is of the same opinion.

I have just learned that a number of his life-long friends have written to the Kerr subcommittee on his behalf. So far as I have been able to obtain copies of these letters they entirely confirm the conclusions of the Virgin Islanders. They come from men who would have no sympathy whatever with any Communist or subversive character, including Thomas W. Lamont, chairman of J. P. Morgan & Co., who has also telegraphed me on behalf of Mr. Lovett; Edward Burling and George Rublee, the senior partners of Washington's largest law firm; Judge Learned Hand, of the United States Court of Appeals for the Second Circuit; Christopher Chenery, president of the Federal Water Service Corporation; and Laird Bell, senior partner of one of Chicago's outstanding law firms.

The Senate, through the regrettably hasty procedure involved in attaching a rider to an urgent deficiencies bill, must decide in a short space of a day or two whether it will accept the judgment of the Kerr subcommittee, which met with Mr. Lovett for about 2 hours, or that of these men, some of whom have known him for half a century. The choice should be clear.

FACT THAT MR. LOVETT REFERRED TO THE GOVERNMENT AS "ROTTEN" NOT SUBVERSIVE

IV. In making the choice, the Senate should, I think, carefully examine the report of the Kerr subcommittee. I believe that the members of that subcommittee have been imposed on by Congressman Dies, and that more adequate staff work might have led them to a different conclusion.

The Kerr report, to show what Mr. Lovett himself has done or said, quotes only one letter and one election speech of Mr. Lovett. The letter was written in 1926, while the Teapot Dome scandals were fresh. It encourages an author of a book attacking graft in Soviet Russia and says that the Russian Government, the United States Government, and all others are "rotten." This is permissible comment, not subversion.

NORMAN THOMAS ENDORSED BY MR. LOVETT FOR PRESIDENT IN 1936

In 1936 Lovett said that the workers should vote for Norman Thomas, since neither of the two older parties offered hope, and since the Communist Party did not have the right approach. If none of us has ever said worse in election campaigns, he is fortunate indeed. There are not enough jails in the United States to contain all of the men and women who on one occasion or another have condemned their Government as "rotten." This expression or some picturesque synonym has been in common use during these latter days. If this be conclusive evidence of a desire or an intent to overthrow the Government of the United States, or of subversive tendencies, then we are indeed in a bad case.

MR. LOVETT MEMBER OF SIX ORGANIZATIONS FOUND TO BE WITHIN THE MANDATE OF PUBLIC LAWS 135 AND 644

The six organizations on the basis of which the Kerr subcommittee condemns Lovett are stated to be found "within the scope of Public Law 135 and Public Law 644" by the Department of Justice. This sounds very sinister. Just what does it mean? The Attorney General in his report to the Congress on September 1, 1942, said that it meant merely that, since some of the members were Communists, membership in these organizations should be investigated (H. Doc. No. 833, 77th Cong.). He was careful to explain that membership did not prove the man was Communist or subversive, since the programs appeared innocent and most members were not Communists.

The Attorney General, in a subsequent letter to me, says of these organizations, that—

needless to say, the "fronts" were not regarded as "subversive," because their programs "were legitimate and frequently commendable on their face. They

had attracted the membership or participation of large numbers of persons who were animated by liberal and patriotic purposes."

One may ask, then, what else the Kerr subcommittee has discovered about these organizations. Two are said to have paralleled the Communist election program of 1940 in 21 respects, and a third in 16 respects. So did the Republican and the Democratic platforms of 1940 "parallel" the Communist platform in many respects, it being the custom of all political platforms to promise prosperity, civil rights, international peace, and universal happiness. What else? One organization was said by Browder to have had assistance from a Communist organization. Another was said to have followed the Communist Party line, although the Kerr subcommittee had before it evidence that Lovett himself was on record as opposing this line followed by the organization. Another was "alleged" to have been financed by Amtorg. Another opposed the Dies committee, and more praise to it. I have not only opposed the Dies committee, I have denounced it on more than one occasion. I do so today. I will continue to do so so long as I believe in the constitutional rights guaranteed to us by the Constitution. The sixth included, as the report itself says, "many non-Communists unaware of its Communist control."

This is a pretty weak pail of garbage with which to find a man guilty of being disloyal to his Government, particularly a man as to whom evidence to the contrary is overpowering. There is in the report only one shred of so-called evidence suggesting that Mr. Lovett had any reason to think any of the organizations were subversive. This is a quotation from Dies' own chief snooper and smearer, Prof. J. B. Matthews (ex-preacher, save the mark), the first chairman of the American League Against War and Fascism. He said, as part consideration for his \$7,200 a year job with the Dies committee, that the organization was designed to involve the United States in any war on the side of the Soviet Union, and to cripple it if it fought against Russia.

NUMEROUS GROUPS REPRESENTED AT CONVENTION OF AMERICAN LEAGUE FOR PEACE AND DEMOCRACY NOT COMMUNISTIC

I do not know whether the professor received a communistic accolade for that one. Certainly, any such purpose must have been very well hidden for the American League to have been supported by so many reputable people. For example, at the 1939 convention of the successor organization, the American League for Peace and Democracy, more than 200 groups were represented. A very small sample includes: The Fourteenth District Democratic Club of Los Angeles, the Building Trades Council of New Haven; various locals of the Brotherhood of Railroad Trainmen and of the Carpenters, Paperhangers and Painters Unions of the A. F. of L.; the Epworth League of the Asbury Methodist Episcopal Church; and the Y. M. C. A. of Washington, D. C. No one in his senses would suggest that these organizations are Communist in nature.

I need spend very little time on the other organizations mentioned in the Kerr report. More important are the sources of this part of the report. I am shocked, gentlemen, that a committee of this Con-

gress should undertake to discharge from Government employment a loyal American citizen on the basis of two statements, one by a woman under Federal indictment for sedition and the other by a Fascist sympathizer.

At page 11 of the Kerr report is a list of cabalistic initials which I suppose are intended to list Lovett's organizations. I do not know what the initials mean and I doubt if the Kerr subcommittee does. But the interesting thing is that the same list, word for word, is found at page 302 of the unsavory Red Network by Elizabeth Dilling, who is now under indictment for sedition.

Again at page 10 of the Kerr report is found another list of organizations. This bit is advanced as a part of the text of the committee's own report. But in fact it is taken from one Walter S. Steele, who on August 17, 1938, made the same statement, word for word and comma for comma, to the Dies committee. His statement is found at page 681 of volume 1 of the 1938 Dies hearings. Steele, for the committee's information, is the editor of a sheet called the National Republic. He represents a Fascist or semi-Fascist groups such as the Christian American Crusade, the Paul Reveres of Chicago, and the Vigilant Intelligence Federation. These organizations peddle anti-Jewish propaganda and whip up Red scares. They have been on the regular mailing lists of the German propaganda machine, and are officered or endorsed by men such as Aryan and Sanctuary, now under indictment for sedition.

These are the people used by the Kerr subcommittee to brand as disloyal a patriotic American citizen. What are the sinister organizations which this Fascist pair have served up for the Kerr subcommittee? They include the American Civil Liberties Union, the American Birth Control League, the New Republic, and organizations to aid China and Spain. The fact is also mentioned that Mr. Lovett also once signed a petition for the recognition of the Soviet Union. The only fitting comment seems to be "Mercy me." I hope that Mr. Steele, as well as the man who jockeyed his statement on to the Kerr subcommittee, each looks under his bed for Communist burglars every night. They might ask the ineffable Professor Matthews, who was brought up on the communistic practice of confusing political opponents by the clever spreading of lies, to hold a torch for them.

This, then, is the report on which the Senate is asked to condemn a man as disloyal to his Government in time of war, and a man moreover who is proved by the Virgin Islanders whom he serves, as well as by his conservative Republican friends, to be one of great nobility of character and of complete loyalty and integrity.

I therefore ask the Senate to strike section 304 from the bill, and thus avoid an unconstitutional usurpation of legislative power and a lasting blot on the name of an American who has never had any thought except to help other people and to serve his country.

Now, Mr. Chairman, if I may, I would like to read and offer for the record copies of two telegrams.

Senator McKELLAR. Go ahead.

TELEGRAM FROM THOMAS W. LAMONT, ENDORSING MR. LOVETT

Secretary ICKES. The first is from Thomas W. Lamont, whom I do not know personally, but who is well known to all of us.

(The telegram from Thomas W. Lamont is as follows:)

[Western Union]

NEW YORK, N. Y., May 18, 1943.

HON. HAROLD L. ICKES,

Department of the Interior, Washington, D. C.

DEAR MR. SECRETARY: Taking note of your public protest against the attempt to expel Robert Morss Lovett from his post as secretary to the Governor of the Virgin Islands may I say how shocked I am by this effort to deprive the Government of a faithful and effective servant? Since our college days at Harvard I have known Mr. Lovett. After years of eminence in the academic and teaching world, he was, I understand, asked by you to accept his present post. You have testified as to his competence and standing among the people of the Virgin Islands.

As to the "subversive philosophies" of which he is charged, long before Pearl Harbor, while others were doubting where America ought to stand or whether she would stand at all, Mr. Lovett having in World War I given his only son to fight and die for his country at Belleau Wood, was urging that this country prepare to enter the struggle against Germany and the powers of darkness. He wrote: "The defense of the world against Hitler is as important as the defense of Europe against Allah in the Middle Ages."

Fear has been expressed that Mr. Lovett may "influence the native mind through his Government position." I have no doubt that his influence on "the native mind" has been considerable, has been for better schooling, better housing, improved methods of hygiene. To me whom men would hardly accuse of trying to tear down the capitalist system or of seeking to subvert the American way of life Mr. Lovett has been a man always eager to help the underdog, to relieve those in distress, one who led a blameless selfless life, of a nobility of mind and character as rare as it is admirable.

Respectfully yours,

THOMAS W. LAMONT.

LETTER FROM JUSTICE HAND ENDORSING MR. LOVETT

Secretary ICKES. And the next one is from Justice Learned Hand. This is a copy of a letter.

(The letter from Justice Learned Hand is as follows:)

HON. JOHN H. KERR,

*Committee on Appropriations, House of Representatives,
House Building, Washington, D. C.*

DEAR SIR: I have heard that a subcommittee of which you are chairman has been asked to discontinue the appropriation for the salary of Robert Morss Lovett, as secretary to the Governor of the Virgin Islands, and I am writing in the hope that I may be able to contribute to persuading the subcommittee not to do so, I have known Lovett for over 50 years, first as a college acquaintance and later as a friend, with increasing affection and esteem. I know no one whose life has been more selflessly devoted to the cause of justice and the relief of distress; his courage and devotion have been proof against unpopularity, and risk to his position as a teacher. He has never flinched from standing openly for those things which have aroused his pity and offended his sense of fair play. It is quite true that at times I have differed from him very markedly; his opinions are by no means the same as mine; but it is altogether mistaken to suppose that he has ever fostered subversive activities or that he believes in them.

I should indeed be happy to feel that I could look back upon a life so consistently, so generously and so unremittingly devoted to the welfare of my fellows; it would seem to me a shocking end to a life so spent, now to deprive him of a position in which I am absolutely persuaded he is able to do, and is doing, much to help a small group of people who on any showing are in need of understanding and assistance.

Very respectfully yours,

LEARNED HAND.

Senator HOLMAN. Who is Judge Hand?

Secretary ICKES. The circuit court of appeals, New York circuit. He has been justice how long?

Mr. GARDNER. Since 1913 or 1914, I think.

Secretary ICKES. And a conservative Republican who certainly would not be caught hobnobbing with Communists.

Senator THOMAS. How could he be a Republican if he were appointed in 1913?

Mr. GARDNER. He was first a district judge. He may have been first appointed during the Roosevelt or Taft administration.

Senator McKELLAR. He could have been appointed in the early part of 1913.

Secretary ICKES. I think most Presidents have appointed judges from the opposite party.

Senator THOMAS. I think they are in the Supreme Court.

Secretary ICKES. This administration appointed Bob Patterson to the circuit court of appeals. I recall that one.

Senator THOMAS. Perhaps there was an exception I did not know about.

Secretary ICKES. I would like to offer, without reading, some editorials that appeared in the press. Here is one from today's New York Times, one from the Washington Post of May 18, 1943, and one from the Washington Post of May 19, 1943.

Senator McKELLAR. Let the whole editorials be printed in the record.

(The editorials referred to are as follows:)

EDITORIALS RELATIVE TO SECTION 304

[Editorial from New York Times, May 20, 1943]

BILL OF ATTAINDER

One of the latest intended victims of the new congressional device of attaching attainder clauses to appropriation bills is Dr. Robert Morris Lovett, secretary of the Virgin Islands government. Dr. Lovett is a distinguished teacher, author, and critic, serving his country in a tough job at the age of 72. Those who know him well cannot think of any act in his life inconsistent with the purest patriotism. He has, indeed, been a lifelong liberal. As such he has been severely critical of the Dies committee, which in some congressional eyes may be *lèse-majesté*. But we don't believe he can have dreamed of doing anything so shockingly subversive of American traditions, and perhaps of the Constitution and the law, as 307 Members of the lower House did on Tuesday when they voted for a rider to the deficiency appropriation bill forbidding the executive branch to pay any salary to him or to two others mentioned by name.

This action rests on accusations made by the Dies committee after "investigations" which were lacking in fair and orderly procedure, and on further "inquiry" by the appropriations subcommittee, under Chairman Kerr. The following colloquy took place on the floor of the House:

Representative O'CONNOR, of Montana. Is there anything in their record to show that they did not perform able public service? Have they done anything whatever to hinder prosecution of the war?

Chairman KERR. We didn't go into those matters. It would have required the taking of even more evidence than we took.

As a final touch, the "evidence" in question was not made available to the House. Yet that august body voted to deprive Dr. Lovett and his colleagues of their rights. One wonders what country this is in which such things can take place. It doesn't sound like the United States. Perhaps the Senate, which has still to act in this matter, will reassert the ancient rights and decencies of which we have been so proud.

[Editorial from Washington Post, May 18, 1943]

SUBVERSIVE LEGISLATION

Congressman Kerr, through his inquisition into the political morality of Government employees, seems in a fair way to wrest from his colleague, Martin Dies, the distinction of being known as the American Torquemada. Because of the demonstrated intemperance and unreliability of the Dies committee, Kerr was put at the head of an appropriations subcommittee to investigate the Dies investigations. His group has not added a third name, that of the Secretary of the Virgin Islands, Robert Morss Lovett, to the list of those it considers unfit for public office.

The Kerr committee appears to hold the opinion that criticism of the United States Government, or of any phase of American life, amounts to a subversion of the Constitution. One of the grounds cited in its report for calling Dr. Lovett subversive was a speech which he delivered in March 1936. He declared, in part: "I shall vote for Norman Thomas for President because he is the only man who will take the control of this country away from the capitalists and place that control in the hands of the people. * * * The worker today must either be a Communist or a Socialist for neither of the older parties offer any hope. President Roosevelt has been in power for 4 years and has done nothing. It is still the same old system under which the workers are taxed to help the capitalists get more money and more power."

It is possible to regard Dr. Lovett's views as mistaken without regarding them as treasonable or subversive. The organizations to which he referred were legal political parties. Not quite 200,000 Americans followed his advice to vote for Norman Thomas in 1936. But a great many more agreed with his strictures on President Roosevelt. Paradoxically, the charge most commonly leveled at the President during that campaign, by Alfred Landon and other Republicans, was that he had followed the Socialist platform of 1932. Another outspoken critic, Frank Knox, is now a member of Mr. Roosevelt's Cabinet.

The notion that capitalism must be curbed and that the Government must be made responsive to the people was not original with Dr. Lovett. An earlier minority party candidate had declared: "Labor is prior to capital. * * * Capital is only the fruit of labor. * * * Labor is the superior of capital, and deserves much the higher consideration." And the platform on which he ran stated that, "Behind the ostensible government sits enthroned an invisible government owing no allegiance and acknowledging no responsibility to the people. To destroy this invisible government, to dissolve the unholy alliance between corrupt business and corrupt politics, is the first task of the statesmanship of the day."

The candidate who uttered these "subversive" statements was a radical named Theodore Roosevelt, who had already served the better part of two terms in the White House. Had the Kerr committee been functioning in those days, no doubt it would have branded him as unfit for office. The situation might have been awkward, for the committee would probably have been forced to do the same for one of his opponents in the 1912 election, a man named Woodrow Wilson, who shouted from the platform that, "The Government of the United States is a foster child of the special interests," and promised to restore it to the people.

The health of this Nation has never been undermined by verbal assaults on its Government. Indeed, these are a source of strength. But legislation which would tend to penalize the frank expression of critical opinions would be genuinely subversive in the most dangerous sense. The Kerr committee proposes that men be barred from the Federal pay roll, not because of any overt act against the Government and not because of any violation of law, but simply because they criticized Government policies. The doctrine is a device to forbid change and to arrest progress. It would subvert the most basic of all our political institutions—freedom of speech.

[Editorial from Washington Post, May 19, 1943]

CASE FOR THE COURTS

Secretary of the Interior Harold Ickes, with his customary courage, has stated bluntly that he has "every confidence" in Dr. Robert Morss Lovett, and that he

will "retain him so long as I have legal power to do so." Similarly, the members of the Federal Communications Commission have risen to the defense of two of their employees who, like Dr. Lovett, were branded by the Kerr committee as "unfit at the present time to continue in Government service."

The House has now passed the Kerr committee recommendation that Congress forbid the use of any appropriation to pay salaries to these men whose political views happen to have incurred the disapproval of Congressmen Dies and Kerr. These men have not violated any law. They have not advocated the overthrow of the United States Government. They have merely engaged in activities which are "subversive" within the curious and mystical definition of that term devised by the Kerr committee. As we have pointed out heretofore, we consider the proposed action of Congress to be a clear invasion of the sphere of executive authority.

Apparently the Secretary of the Interior and the members of the Federal Communications Commission think so too. They are responsible for determining the qualifications of their employees. They possess discretionary power within statutory limits to hire men and to dismiss them. If they lacked such power they would scarcely be able to administer their agencies. Indeed, if Congress were successfully to usurp this power the executive branch of the Government would become subordinate to the legislative, instead of enjoying the equal status provided for it in the Constitution.

The constitutionality of any such congressional action should be tested before the third branch of the United States Government, the judiciary. Accordingly, we trust that the executive agencies will resolutely continue to keep the proscribed individuals in their employ. Then, if the disbursing officer of the Treasury refuses to issue pay checks to them when due, these men themselves could appropriately bring suit against the Government in the Court of Claims for recovery of their salaries.

This might augment congressional wrath and cause the Kerr committee to denounce them as supersubversive, but it would also render a public service. We believe that they would have the support of an enlightened public opinion. Many distinguished members of the legal profession would no doubt be eager to champion a cause involving such basic American principles. Indeed, the case is sufficiently important as it stands to warrant such zealous champions of the constitutional rights of the individual as Wendell L. Willkie and Charles B. Warren in raising their voices against the smearing tactics of the Kerr committee.

Senator McKELLAR. Anything else?

Secretary ICKES. We have some letters, editorials, and resolutions I would like to submit en masse.

Senator McKELLAR. Very well.

(The material referred to by Secretary Ickes is as follows:)

LETTERS OF ENDORSEMENT OF DR. LOVETT

[From New York Times, May 19, 1943]

DR. LOVETT IS DEFENDED

SOCRATES PARALLEL SEEN IN CONGRESS ACTION AGAINST OFFICIAL

To the Editor of the New York Times: Since July 1939, Dr. Robert Morss Lovett has served with distinction as Government Secretary of the Virgin Islands. During the present session of Congress, however, a small group of Representatives has capriciously charged—without adducing a shred of acceptable evidence—that Dr. Lovett is unfit for Government employment "by reason of association" at one time or another since 1922 "with organizations whose aims or purposes have been subversive to the Government of the United States." This group now seeks to have the House cut off Dr. Lovett's salary and thus dismiss him in disgrace from public office.

Those who know Dr. Lovett and who are familiar with his long and brilliant record as scholar and public servant can testify to his unimpeachable character and to his complete devotion to his country. If they bestir themselves on his behalf, he need not fall victim to as unfair a political attack as has been made in modern times.

As for the irresponsible legislators who have leveled this reckless charge against Dr. Lovett, they have a lesson to learn from ancient Athens. Socrates

was condemned as a promoter of "subversive" thinking and was forced to drink the hemlock. When the Athenian community later realized and repented its error, those who had instigated the action against the great philosopher were reviled and forced to flee for their safety.

CYRUS EATON.

CLEVELAND, OHIO, May 18, 1943.

APRIL 28, 1943.

HON. JOHN H. KERR,

*Chairman, Subcommittee on Un-American Activities,
House Appropriations Committee, Washington, D. C.*

SIR: It has come to our knowledge that the Honorable Robert M. Lovett has been examined before your Committee on Un-American Activities, and that a move is under way to have him removed as Government Secretary of the Virgin Islands.

This action has come as a surprise to the people of the Virgin Islands, since Mr. Lovett is known by all to be a man of very high humane qualities, and in whom the people have implicit confidence.

Mr. Lovett has worked with us in the capacity as Government Secretary for the past 4 years and has gained the confidence of our people. We feel that any attempt to have him removed at this time, when our Nation is at war to preserve the principles of democracy as assured us by the Constitution of the United States and the Atlantic Charter, for reasons which are not clear and definite, would give an indication that that action would be a direct reversal of the principles for which millions of human beings are today sacrificing their lives in anticipation of a better world in which to live after the United Nations have won the war.

We, the people of the Virgin Islands, through the duly-elected representatives of the two municipal councils in joint conference at Christiansted, St. Croix, do hereby in all seriousness and sincerity protest against any action which might be taken, or which might be presented as of notoriety to be taken in the case of what we suppose to be the United States versus Robert M. Lovett, on charges based on subversive and un-American activities. We humbly submit that we have known Mr. Lovett for the past 4 years and that during that time he has been Government Secretary and Acting Governor of the Virgin Islands, we have never found him or have had cause to find him other than an American gentleman, a patriotic citizen, and a humane administrator under the laws of the United States Government and the Virgin Islands.

Dr. Robert M. Lovett has evinced in all his policies, decisions, and actions in the Virgin Islands, the principles of democracy, which have been fully appreciated, admired, and followed by the people of the Virgin Islands. We find in him a wonderful spirit of cooperation and interest in the economic, social, and educational welfare of the natives of the Virgin Islands, who are also patriotic, law-abiding American citizens.

While, unfortunately, the Virgin Islands are not included in the Selective Service Act of the United States, there are thousands of Virgin Islanders dying in the armed forces of the United States to show their patriotism to the flag for which Robert M. Lovett stands as a symbol, in full support of the President of the United States, the illustrious Franklin D. Roosevelt.

In view of the above-mentioned facts, we as American citizens most respectfully request that the Honorable Robert M. Lovett be not removed from his present position as Government Secretary of the Virgin Islands.

This document is presented to your committee with the unanimous approval of the members of the Municipal Councils of St. Thomas-St. John and St. Croix, the legislative bodies of the Virgin Islands.

Respectfully,

THE MUNICIPAL COUNCIL OF ST. THOMAS AND ST. JOHN,
By OMAR BROWN, *Chairman*.
THE MUNICIPAL COUNCIL OF ST. CROIX,
By JOSEPH ALEXANDER, *Chairman*.

ST. THOMAS, V. I., May 5, 1943.

HON. HAROLD L. ICKES,

*Secretary of the Interior,
Washington, D. C.*

MY DEAR MR. ICKES: Transmitted herewith, for consideration and action, is municipal council bill No. 39, resolution recommending the retention of Hon.

Robert M. Lovett as Government Secretary of the Virgin Islands, passed by the Municipal Council of St. Thomas and St. John on Tuesday, May 4, 1943.

The people of the Virgin Islands are very much in favor of the retention of Hon. Robert M. Lovett as Government Secretary of the Virgin Islands and strongly urge you to do everything possible to effectuate the purpose of the attached resolution.

Sincerely yours,

OMAR BROWN, *Chairman.*

BILL No. 39

THE FOURTH MUNICIPAL COUNCIL OF ST. THOMAS AND ST. JOHN, 1943-44

RESOLUTION RECOMMENDING THE RETENTION OF HON. ROBERT M. LOVETT AS GOVERNMENT SECRETARY OF THE VIRGIN ISLANDS

Whereas it has come to our knowledge that Hon. Robert M. Lovett, Government Secretary of the Virgin Islands, has been charged and examined before the Subcommittee on Un-American Activities of the House Appropriations Committee, with un-American activities and that a move is underway to have him removed as Government Secretary of the Virgin Islands; and

Whereas during the incumbency of Hon. Robert M. Lovett as Government Secretary of the Virgin Islands he has evinced the principles of democracy and has proved himself to be one of the most democratic Americans ever sent to the Virgin Islands; and

Whereas the people of the Virgin Islands appreciate the wonderful spirit of cooperation and interest shown by Hon. Robert M. Lovett in the economic, social, and educational welfare of the Virgin Islands; and

Whereas as contact man of the administration for the past 4 years with the people of the Virgin Islands, Hon. Robert M. Lovett has maintained the respect and confidence of the people of the Virgin Islands; and

Whereas at the time of his appointment as Government Secretary, Ernest Gruening, then Director of the Division of Territories and Island Possessions, characterized his appointment as "an excellent choice"; and

Whereas during the absence of the Governor of the Virgin Islands the Hon. Robert M. Lovett has acted as Governor of the Virgin Islands at various times, and has discharged his duties faithfully and to the entire satisfaction of the people of the Virgin Islands; and

Whereas the Hon. Robert M. Lovett has always given consideration to the natives of the Virgin Islands, in making appointments to fill positions in the Government of the Virgin Islands as stipulated in the Organic Act of the Virgin Islands; and

Whereas it is the opinion of the people of the Virgin Islands that the removal of Robert M. Lovett on charges that are vague and indefinite would be a great loss to the people of the Virgin Islands; and

Whereas on April 28, 1943, the municipal council of St. Thomas and St. John, and the municipal council of St. Croix, protested against any action which might be taken or which might be presented as of notoriety to be taken in the case of what presumably would be United States versus Robert M. Lovett on charges based on subversive and un-American activities: Now, therefore, be it

Resolved, and it is hereby resolved by the municipal council of St. Thomas and St. John in session assembled, That Hon. Robert M. Lovett be retained as Government Secretary of the Virgin Islands, and that the Subcommittee on Un-American Activities, House Appropriations Committee, Washington, D. C., be, and is hereby, petitioned to dismiss the charges preferred against said Robert M. Lovett; and be it further

Resolved, That this resolution be forwarded to the Hon. John H. Kerr, chairman, Subcommittee on Un-American Activities, House Appropriations Committee, Washington, D. C., and copies to His Excellency, the President of the United States, Washington, D. C., the President of the United States Senate, the Speaker of the House of Representatives, Members of the United States Senate, Members of the House of Representatives, the Secretary of the Department of the Interior, the Solicitor, Department of the Interior, Director of the Division of Territories and Island Possessions, and the Governor of the Virgin Islands.

Thus passed by the municipal council of St. Thomas and St. John at its extraordinary meeting held on Tuesday, May 4, 1943, at 8 p. m.

Witness our hands and the seal of the municipal council of St. Thomas and St. John this 5th day of May A. D. 1943.

[SEAL]

OMAR BROWN, *Chairman.*
ROY P. GORDON, *Secretary.*

ST. THOMAS, V. I.,
Dated 11th—Via All America.

HON. HAROLD L. ICKES,
Secretary Department of the Interior,
Washington, D. C.

The record of Dr. Robert Morss Lovett in Virgin Islands and his sympathy, efficiency and integrity in administration of his office has endeared him to the citizenry of Virgin Islands. Citizens greatly impressed with his exemplification of liberal American democracy convinced that his removal would be great loss to the cause of good government in Virgin Islands. Strongly urge his retention as Government Secretary of Virgin Islands.

ST. THOMAS BUSINESSMEN'S ASSOCIATION.

APRIL 20, 1943.

HON. JOHN H. KERR,
Chairman, Subcommittee of the Appropriations Committee,
House Office Building, Washington, D. C.

DEAR MR. KERR: I write this letter in regard to my friend Robert Lovett who has recently been before your subcommittee. Lovett has been a friend of mine for 50 years. For that entire time I have been entertained by his enthusiasms for strange activities and lost causes. While I sympathize with his wish for a better and happier world, I have never been persuaded that the projects he has favored were adapted to the attainment of his objectives. He is an entirely disinterested, high-minded human being. I can hardly think of anyone on whom the adjective "subversive" would fit more poorly. He really is devoted to the American system and the American way of life. Only he would like everyone to be good.

Naturally a man of his nobility of character has been used time and again without his realizing it by persons whose motives were not entirely free from suspicion.

Notwithstanding all disappointments he is still ready to join any effort to make people happier and better.

I have not been to the Virgin Islands but I have had a number of friends who have been there, some of them not in the least sympathetic with Lovett's political views. Without exception they have spoken with highest praise of his work there. He is a conscientious administrator, devoted to his task. I am sure that it would be a great disservice to the people of the islands if he was removed from his position.

Very truly yours,

EDWARD B. BURLING.

APRIL 19, 1943.

HON. JOHN H. KERR,
House Office Building, Washington, D. C.

DEAR MR. KERR: I am writing to you because I am an old friend of Robert Lovett and because I have learned that you are chairman of a subcommittee of the Committee of Appropriations which is considering whether Lovett should be compelled to resign his official position in the administration of the Virgin Islands.

I have known Lovett intimately ever since he was a student at Harvard in the early nineties, and I have seen something of him every year since he has been in the Virgin Islands during his visits to this country. I do not agree with his political views since in politics he is far to the left and I am not, but I do respect his motives and I admire his character and honesty of purpose. To any one who knows Lovett as I do the idea that he is unpatriotic, desires to overthrow our Government and has been or is engaged in subversive activities or is a dangerous person, seems fantastic to the point of absurdity. Whatever may be the purpose of the organizations he has joined or supported, I am sure that he was thinking only of bettering the lot of poor people, or people whom he believed to be oppressed. In other words he has acted in accordance with his emotions without, in my judgment, always sufficiently understanding whether

the policies he allied himself with would in fact bring about the result he desired. He has always been willing to sacrifice himself for a lost cause and to join any movement that professed to ameliorate the condition of downtrodden or helpless people. But never I am sure has he thought of acting in other than legal ways, and I do not believe that any man loves his country more than he does. He is a man of the finest moral character, is exceedingly conscientious, and possesses a strong and highly trained intellect which, however, when directed to economic questions in regard to which he has had little practical experience, is unduly influenced by his emotional sympathies. If you heard him speak before your committee I think you must have been impressed by his candor, gallant bearing, and unusual freedom from self-interest.

I have not been in the Virgin Islands, but I have good friends who have been there and have seen something of Lovett's work there. Their report is that he is devoting himself completely to it and has been successful in improving conditions in the islands and in performing his administrative duties conscientiously and competently. I do not see how his emotional sympathies can interfere there with the proper performance of his duties. On the contrary it seems to me that his interest in improving the condition of the natives should be a recommendation. I have not heard any suggestion that he has ever attempted to indoctrinate the natives with political ideas.

It seems to me that if he should be forced to leave the islands, injustice would be done to a very good man and the administration of the government of the islands would suffer the loss of a competent and devoted official.

Sincerely yours,

GEORGE RUBLEE.

APRIL 22, 1943.

HON. JOHN H. KERR,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I understand that the question of the suitability of Mr. Lovett, of Chicago, to hold his present position is before your committee.

I knew Mr. Lovett in Chicago many years ago and have known of his career since that time. I have no hesitancy in saying that I think Mr. Lovett is a man of outstanding capacity and high integrity. I sincerely trust that he will be permitted to use his many talents in the service of this country.

Very truly yours,

CHRISTOPHER T. CHENERY.

APRIL 21, 1943.

HON. JOHN H. KERR,

The Congress, Washington, D. C.

DEAR SIR: I am told that the Dies committee is in doubt about the Government secretary of the Virgin Islands.

For some years Mr. Robert Morss Lovett, an educator by profession, has been Government secretary of the Virgin Islands. He succeeded the late Robert Herrick, also an educator and writer, in this administrative position, and at times he has been Acting Governor of the Virgin Islands.

Since these United States possessions were formerly Danish, and since my wife is a Dane, and since I had to write a book as a self-imposed patriotic duty (*What Mein Kampf Means to America*), we went to the Virgin Islands for about 4 months. We visited St. Croix, St. Thomas, and we lived on St. John in the winter of 1940-41.

During that period we saw a good deal of Mr. Lovett, and we had occasion to observe his work as an administrator, as Acting Governor before the arrival of Governor Harwood, and as Government secretary afterward.

I should like to testify that Mr. Lovett seemed to me an admirable administrator in every respect. His training as dean of the University of Chicago had prepared him for his handling of men and policies, and few officials I have ever observed showed such devotion, such patience, wisdom, public spirit, and integrity as he did. He allowed us to go with him on several occasions, when he visited people in trouble, and we met school teachers, Government officials, medical officers, etc. The total impression was of a most useful and assiduous

functionary, accessible at all times, calm, level headed, and just. He was a credit to the Government and the administration.

He was good enough to preside at a Bundles for Britain meeting that I addressed, in which he concurred with my views on Hitler, and supported my attitude about the war.

It would, I venture to say, be a calamity if the services of Robert Morss Lovett were not continued as Government secretary. He is an invaluable public servant.

Yours respectfully,

FRANCIS HACKETT.

APRIL 26, 1943.

The HONORABLE JOHN H. KERR,
House of Representatives,
Washington, D. C.

DEAR SIR: Information has just come to me that inquiry is being made by the committee of which you are the chairman on the question of the continuance of an appropriation sufficient to pay Mr. Robert Lovett's salary as Secretary to the Governor of the Virgin Islands. You will not misunderstand me, I trust, if I express my surprise at the necessity for such an inquiry.

I have known Mr. Lovett for over 50 years inasmuch as we were classmates at Harvard College, and while I was never an intimate friend of his, I have always had the greatest respect for his record in the academic world (for over 40 years a leading professor of English at the University of Chicago) and for the sympathy which he has shown for groups which in lieu of a better term are sometimes known as the "underprivileged" in this country. He has always been for the underdog, the submerged, and the afflicted. And sometimes his attitude has laid itself open to misconstruction by reason of the fact that he has apparently joined various organizations whose aim was to remedy unhappy conditions in our social structure but which have not been officered by wise men. But as for Mr. Lovett's failure any time to qualify as a sound and patriotic citizen, devoted to the interests of his country, no question has ever arisen or could arise in the minds of the men who knew him.

Mr. Lovett lost his only son who was killed in the World War, and months before America was driven into the present struggle, I know that Mr. Lovett's attitude was strongly to the effect that our country should become active in the endeavor together with that of the other peace-loving nations to preserve its freedom.

Respectfully yours,

ARTHUR H. LOCKETT.

HARVARD COLLEGE

CLASS OF 1892

BOSTON, MASS., April 26, 1943.

HON. JOHN S. KERR,
House of Representatives, Washington, D. C.

DEAR SIR: It has just been called to my attention by mutual friends that Robert Morss Lovett, Government Secretary of the Virgin Islands, has been called to testify before the appropriate congressional committee apparently with the idea that he is not a loyal American citizen. I would like to say that my acquaintance with Robert Lovett dates back more than 60 years. He was a classmate of mine at school as a boy and later at Harvard College. While I haven't met him frequently in recent years I have seen him from time to time and have kept in constant touch with him and regard him as an outstanding man and a most useful citizen.

Mr. Lovett lost his only son in the last World War and this shock temporarily affected his judgment, but only temporarily. Following the World War his hatred for war led him to join various societies or organizations which had for their avowed object the making of future wars impossible and for a time he was quite active along these lines. When, however, he found that these various organizations had for their real purpose, not the prevention of war

but were actually what some people might consider subversive to our form of Government, he promptly severed his membership with them and as far as I am able to learn he never took any part in furthering their purposes.

His present views can best be shown by a quotation from a communication which I received from him prior to our entry into the present war. He wrote this to me. "I am in favor of all aid to Britain, whatever the risk of provoking Germany to declare war. The defense of the world against Hitler is as important as the defense of Europe against Allah in the Middle Ages."

Whatever activities Mr. Lovett may have been criticized for in the past were, in my opinion, due to his hatred of war induced by his son's death. His whole life as I have known him is the best answer to any charge of disloyalty which may be brought against him.

Sincerely yours,

(Signed) FRANKLIN S. NEWELL.

NEW YORK, April 20, 1943.

The Honorable JOHN H. KERR,

House of Representatives, Washington, D. C.

DEAR SIR: I have just been informed that Robert Morss Lovett, secretary to the Governor of the Virgin Islands, as I think he is, has been called to testify before the appropriate committee in Congress in regard to his general status and views, apparently with the idea that there is some question as to his high standing as an American citizen.

For your information, may I say that a good many years back I was a classmate of Robert Lovett's at Harvard College and there formed a high regard for him which, although I have seen comparatively little of him in the intervening years, remains unchanged—regard not only for his intellectual integrity but for his qualities as a useful citizen. He was for many years one of the most outstanding professors of English literature and composition at Chicago University and has done considerable editorial work.

I am wholly unaware of what the charges may be against Mr. Lovett or as to what feature of his life and service may be in question. Writing for the fiftieth annual report of his class at Harvard, which I have before me and which was issued in 1942 and which was apparently dictated prior to Pearl Harbor, Mr. Lovett's views were accurately summarized by him in the following paragraph:

"Looking forward, he is convinced that if Great Britain is defeated in the present war, the United States will be committed to a policy of preparation for national defense for an indefinite time, with all the uncertainties and repressions characteristic of such a period. He is, therefore, in favor of all aid to Britain, whatever the risk of provoking Germany to declare war. The defense of the world against Hitler is as important as the defense of Europe against Allah in the Middle Ages, and if it is successful, he hopes for a general readjustment in the direction of economic as well as political democracy."

Mr. Lovett has, I hope and believe, always been a liberal thinker. At times he has been what is called radical, never, I am sure, in any sense that would indicate subversive ideas or activities in regard to his own country. I have always considered him to be an extraordinarily pure-minded and conscientious citizen.

Respectfully yours,

THOMAS W. LAMONT.

CORRESPONDENCE

APRIL 30, 1943.

EDITOR, DAILY NEWS,

St. Thomas, V. I.

Someone should tell the Dies committee that we do not care if Mr. Lovett is a Communist or a Turk. We are satisfied with him.

Washington should be coaxed into sending us down a few more registered or unregistered Communists, or what not, so long as they possess Mr. Lovett's character and capacity for human understanding.

A CITIZEN.

VIRGIN ISLANDS PROGRESSIVE GUIDE,
St. Thomas, V. I., May 14, 1943.

HON. HAROLD L. ICKES,
Secretary, Department of the Interior,
Washington, D. C.

DEAR SIR: There is transmitted herewith resolution petitioning for the retention of Robert M. Lovett as Government secretary of the Virgin Islands, passed by Virgin Islands Progressive Guide at its extraordinary meeting held on Monday, May 10, 1943.

All efforts that you may make toward this end will be greatly appreciated by the people of the Virgin Islands.

Respectfully,

VALDEMAR A. HILL, *Supervisor.*

RESOLUTION PETITIONING FOR THE RETENTION OF ROBERT M. LOVETT AS
GOVERNMENT SECRETARY OF THE VIRGIN ISLANDS

Whereas Dr. Robert M. Lovett has been Government Secretary of the Virgin Islands for the past 4 years; and

Whereas Dr. Lovett is holding an office which has been established in the Organic Act of the Virgin Islands; and

Whereas the Organic Act of the Virgin Islands provides that the Government Secretary shall be appointed by the President and confirmed by the Senate; and

Whereas Mr. Lovett has given invaluable service to the people of the Virgin Islands in his capacity as Government Secretary; and

Whereas the people of the Virgin Islands are unanimously and highly in favor of Mr. Lovett being retained in this important position; and

Whereas Virgin Islands Progressive Guide is an active civic organization representing a cross-section of the people of the Virgin Islands: Now, therefore, be it

Resolved, and it is hereby resolved, by Virgin Islands Progressive Guide in extraordinary session assembled, That all those in authority in the Congress of the United States be, and are hereby, petitioned to reconsider the move to dismiss Dr. Robert M. Lovett as Government Secretary of the Virgin Islands; and be it further

Resolved, That this resolution be transmitted to Hon. John H. Kerr, chairman, Subcommittee on Un-American Activities, House Appropriations Committee, and Senator Millard E. Tydings, chairman, Senate Committee on Territories and Insular Affairs, with the fervent hope that a decision favorable to the people of the Virgin Islands will be arrived at.

Thus passed by Virgin Islands Progressive Guide at its extraordinary meeting held on Monday, May 10, 1943, at 8:30 p. m.

VALDEMAR A. HILL, *Supervisor.*
HERBERT A. TUITT, *Secretary.*

AMERICAN VIRGIN ISLANDS CIVIC ASSOCIATION,
May 18, 1943.

HON. HAROLD L. ICKES,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. ICKES: While in Chicago last week I came across a news release in connection with the charges made by the Dies committee that the Honorable Robert M. Lovett, Government secretary to the Virgin Islands, was threatened with removal from office because it is the belief of the committee that he is a Communist.

I wish to repeat that as a representative of the native people of the Virgin Islands residing on the mainland that we yield to no man the respect and admiration we have for Robert Morris Lovett.

The Dies committee has made so many terrific blunders that it not alone appears ridiculous but it will be both a financial and moral burden removed from the Nation when it dies.

I am happy to note that you have taken a definite stand in defense of Mr. Lovett and I want you to know that the 8,000 or more Virgin Islanders on the mainland are highly appreciative of your high sense of justice to a man who is rendering that kind of service which unlike other American officials in the islands, proves definitely that he is making good out of his time down there.

Sincerely yours,

ASHLEY L. TOTTON,
President, American Virgin Islands Civic Association.

RESURRECTION LUTHERAN CHURCH,
Arlington, Va., May 16, 1943.

The Honorable HAROLD L. ICKES,
The Department of the Interior,
Washington, D. C.

DEAR SIR: For 21 months, from February 1940 to November 1941, I was pastor of the Lutheran church in Charlotte Amalie, St. Thomas, V. I. During that time I became well acquainted with the Honorable Robert Morss Lovett. On many occasions I was a guest in his home. He was a regular attendant at the church.

I have been amazed at the recent action of the House Appropriations subcommittee directed against Mr. Lovett. He is an American of whom all other Americans may well be proud. He has done a very valuable work in interpreting our Nation and its ideals to the people of the Virgin Islands. He is universally loved and respected by those people as I know from many personal contacts with them.

If there is anything that I may do on behalf of Mr. Lovett I shall be glad and proud to do it.

Yours respectfully,

DANA H. JOHNSON, *Pastor.*

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, D. C., May 18, 1943.

Hon. SAM RAYBURN,
Majority Leader, House of Representatives,
Washington, D. C.

Hon. JOSEPH W. MARTIN, Jr.,
Minority Leader, House of Representatives,
Washington, D. C.:

On basis of our first-hand knowledge of work done and influence exerted in Virgin Islands by Mr. Robert Morss Lovett, government secretary, we respectfully but vigorously urge utmost resistance in House of Representatives to the current attempts to pillory and dismiss Dr. Lovett from Government service.

When he went to Virgin Islands as Government secretary, Dr. Lovett entered a situation which had been characterized for years by discord within the civil administration. But in his quiet, efficient manner he allayed fears and suspicions, ironed out difficulties, and contributed immeasurably to the efficiency and internal harmony of the administration as well as to the confidence of the populace in their government. His friendly ease and graciousness in his personal relationships with the predominantly colored people of the islands have been of inestimable value.

What Dr. Lovett has done in Virgin Islands has had salutary effect on other Caribbean islands and in South America through its demonstration that United States Government is neither imperialist nor eternally bigoted racially. Removal of Dr. Lovett from his position would do harm to efforts to build good-neighbor policy in Latin America.

It is utterly fantastic to call him a Communist or to question his integrity or patriotism. The editorial comment on this aspect of the case published in the Washington Post for May 18 states the only position consistent with American ideals and traditions. Enlightened Negro and white voters throughout United

States are deeply concerned with what happens in the Virgin Islands and on their behalf, as well as ours personally, we urge overwhelming repudiation by House of Representatives of recommendation of House Appropriations Committee that funds for payment of Dr. Lovett's salary be eliminated from the Interior Department's appropriation bill.

WILLIAM H. HASTIE,
Former United States Judge, Virgin Islands.

WALTER WHITE,
*Secretary, National Association for the Advancement of Colored People
and former member Advisory Council for Government of the Virgin
Islands.*

[The Progressive Guide, Thursday, April 29, 1943]

EDITORIAL

Ever since Robert M. Lovett's appointment as Government secretary of the Virgin Islands we have been hearing that he is connected with Communistic activities in the United States.

From Dr. Lovett's activities in these islands one can hardly conceive such an idea. To the people here Mr. Lovett has proved himself to be one of the most genuine and broad-minded Americans sent to the Virgin Islands. The Government secretary has never failed to go about his duties in a sincere, candid, and unflinching manner, the way a real American does.

Of course, we can only speak of Dr. Lovett's activities in the Virgin Islands. But it does not seem logical that he would pose to be so genuine an American for 4 years—the time he spent in the service of our Government.

Secretary Lovett, who has served as Acting Governor of the Virgin Islands for most of the last 3 years, is very popular with their people. In this island many people, including officials of the Government, wish he were Governor.

We believe the charges that Dr. Lovett is engaged in un-American activities are unfounded, and hope that they do not result in his removal from these islands. The Virgin Islands will lose a friend.

[The Daily News, Thursday, April 29, 1943]

A TRUE AND LIBERAL AMERICAN

We have had to say so many disagreeable things about the administration and some of the men in it lately that it is a pleasure to put something into the other side of the scale.

While, generally speaking, officials sent here by Washington are often pleasure bent, self-seeking politicians, there is at least one whose devotion to duty and sincerity are above question, and whose deep love of the Virgin Islands is affectionately returned by the large majority of the people. We refer to Dr. Robert Morris Lovett, Government secretary of the Virgin Islands, who was ordered to Washington 2 weeks ago to appear before the subcommittee of the Appropriations Committee of Congress on un-American activities.

The charges against Dr. Lovett appear to be unjustified. This has been found to be true in most of the attacks made by the Dies committee investigating un-American activities. Because he has been a steadfast champion of the principles of democracy, liberty, and fair play, because he is a liberal, because he hates to see his fellow men live in misery and hunger, because he lives above political hypocrisy, he is branded a Communist and neurotic "patriots" here and abroad subtly foster persecution. On the flimsiest evidence imaginable the Dies committee is seeking to obtain the dismissal of Mr. Lovett and other men in Washington. They are charged with having been associated with Communists, or movements which Communists supported. The committee before which Dr. Lovett appeared in Washington was set up so that the accused persons can appear and establish their innocence.

We hope that the efforts of Representative Martin Dies and others to blacken Dr. Lovett's reputation do not result in his eventual resignation. He is doing a good job here and no one realizes it better than the people for whom he has worked so selflessly. It is from such characters as Dr. Lovett that this Nation,

the United States of America, can draw its full strength and endless resources to inspire a sick world and remain an assurance of worthy ideals for the future. We need more friends of Soviet Russia today. What would it profit us to persecute every Communist and sympathizer of Soviet's efforts and lose the war?

No continental official sent here has been more loyal and honest in practice than this venerable man. To the people of the Virgin Islands, Dr. Lovett stands for integrity and liberalism. When he speaks, they listen, for even if they do not agree wholeheartedly with him, they know it is the unselfish voice of honesty that they hear. In Dr. Lovett is embodied what we love to call the very essence of Americanism.

SALARY AND DUTIES OF MR. LOVETT

Senator HOLMAN. May we discuss this matter on its merits?

Senator McKELLAR. Yes, sir.

Senator HOLMAN. I would like to know what salary he gets, what duties he performs, and whether it is a new job created for him.

Secretary ICKES. It was a job which existed when I came here March 3, 1933.

Senator HOLMAN. It is not a place that has been recently created?

Secretary ICKES. No.

Senator HOLMAN. And it has been filled continuously?

Secretary ICKES. Always.

Senator HOLMAN. What is the salary, please?

Secretary ICKES. \$5,600.

Mr. GARDNER. He is now receiving \$5,800, having had one promotion. His duties were set up by statute.

Senator McKELLAR. Senator Holman, any other questions?

Senator HOLMAN. No.

Senator McKELLAR. Senator Overton, any questions?

Senator OVERTON. I do not think perhaps you gave me all the answer you started to give me.

The Secretary challenges the authority of Congress to deprive any official of his salary which is not fixed by the Constitution but is fixed by statute.

Have you any decisions to support that view?

Mr. GARDNER. It has been litigated only once, in the Missouri courts, under a similar rider of the Missouri Legislature. I do not have the citation.

Senator McKELLAR. Will you put it in the record?

Mr. GARDNER. I will be glad to supply it.

(The case is *Tolerton v. Gordon* (236 Mo. 142 (1911)).)

Senator OVERTON. Does the constitution of Missouri have any provision bearing on the subject?

Mr. GARDNER. It is the same pattern as the Constitution of the United States, a tripartite government, the executive, legislative, and judicial branches being separately constituted.

There has been much discussion of the question in years past, and some of the statements made on the floor of the Senate have pointed out that the device of barring a man's salary is very objectionable, and if it were permissible then the President, the Chief Justice, and Cabinet officers could all be removed by the simple expedient of a rider on an appropriation bill.

Senator OVERTON. Of course a man of independent means who is not dependent on his salary and loves his work would be different.

Mr. GARDNER. You would probably have some public relations difficulties. Probably some difficulties appearing before committees.

Senator OVERTON. The deprivation of his compensation—

Mr. GARDNER (interposing). As a legal matter he would be able to remain in office and perform his duties.

Secretary ICKES. That is arguable, but is it practical? Obviously some of the men sought to be reached could not—

Senator OVERTON. As Shylock says in the Merchant of Venice, and I do not know whether I can quote it correctly, "You may as well destroy my house when you do destroy the props that do support it."

Mr. GARDNER. The Kerr subcommittee reported this rider on the express ground that these men were unfit to serve in Government office.

Secretary ICKES. And I think I was exhorted to fire Lovett.

Senator McKELLAR. To do what?

SECRETARY ICKES' PERSONAL RELATIONS WITH MR. LOVETT

Secretary ICKES. To fire him right away.

Senator McKELLAR. Mr. Secretary, suppose you tell us what you know about Mr. Lovett personally.

Secretary ICKES. I will be glad to.

Senator McKELLAR. He comes from Chicago.

Secretary ICKES. I was a freshman at the University of Chicago when he was a graduate, and as an instructor, came from Harvard with Robert H. Herrick, whom Senator Lodge may know.

From that time on he taught at the university. He lived at the Hull House. There was a period of 3 or 4 years when he lived quite close to me. I saw him, his wife, and children daily. I saw him a lot at the Hull House. I thought a lot of Jane Addams, and I do not think anyone held her to be subversive.

Lovett always mixed in campaigns to clean up the city. I led some of the campaigns, among them the campaign of John Harlan, who was the son of Justice Harlan, of Kentucky.

I also led the fight for Charles V. Merriam. They were both Republicans.

Lovett was always on the side of what he believed to be proper. He was a good teacher, and one of the bravest men I know. If you should call him in here and ask him a question which by a tricky answer could relieve him, he would not take advantage of it.

Senator McKELLAR. How old a man is he?

Secretary ICKES. Seventy-two.

Senator McKELLAR. Seventy-two?

Secretary ICKES. Seventy-three. In Chicago his name was a synonym of good public work. I am not much of a joiner myself. I am glad in these latter days I have not been. He always wanted to be helpful. He must have joined a lot of things he did not know he was joining. He could not possibly have read the literature or glanced at the names on the letterhead. If that man is a sympathizer for communism I am a Hottentot.

MR. LOVETT'S AIMS IN PUBLIC LIFE

Senator THOMAS. Aside from his teaching profession what was he trying to accomplish as a leader of civic and public affairs?

Secretary ICKES. In Chicago!

Senator THOMAS. Anywhere.

Secretary ICKES. In Chicago it was supplementary to teaching.

Senator THOMAS. What was he trying to accomplish, run for office?

Secretary ICKES. No; you could not have gotten him to run for office. He never held a public office until this. I offered this to him.

Senator THOMAS. What was he trying to accomplish?

Secretary ICKES. Trying to help clean up the city, get rid of bad politics.

Senator THOMAS. Trying to get bad men out of office?

Secretary ICKES. That is right.

Senator HAYDEN. I would be interested, Mr. Chairman, if there was included in the record some excerpts from the debate on the floor of the Senate that relates to this point—if the Congress could remove a minor official by cutting off his pay—that we can cut off the pay of the President of the United States and the Chief Justice.

(The excerpts requested are as follows:)

MEMORANDUM ON PREDECESSOR BILLS CONTAINING PROVISIONS SIMILAR TO SECTION
304 OF H. R. 2714

In the course of the statement by Secretary Ickes on May 20 before the subcommittee of the Senate Committee on Appropriations it was asked that extracts from prior congressional debates on similar riders be supplied for the record. The following selections are taken from the debates on the six cases which have come to my attention. (The Raushenbush case, mentioned in the testimony before the subcommittee, was not in fact a rider similar to the present one and did not deny appropriations to him by name. See 88 Cong. Rec. 3023.)

1. The Cresson case, 1924. The House Appropriations Committee placed a proviso in the War Department appropriation bill preventing payment of any money to Maj. Charles C. Cresson (H. R. 7877, 68th Cong., 1st sess.). It was eliminated on the floor by a vote of 158 to 10 (65 Cong. Rec. 5036). Among the many statements made in the debate are:

"Mr. STENGLE. * * * To my mind, there is involved * * * a principle that is more important than Major Cresson; * * * a principle which, if enacted into law, would open wide the door of opportunity to strike from the appropriations of this Congress any individual in any department, in any position under the Government, who happened per se not to meet with the favor of some particular committee of this House. * * * The principle involved is that we may here and now by voice and vote strike from the pay roll of the Army or the Navy or the Supreme Court—yes, or this very House—any individual who happens not to meet with our approval because of something that happened that we do not like.

* * * * *
"Mr. WURZBACH. * * * It does not require argument to convince any fair-minded Member of this House that it is not only unfair and unjust but contrary to all of the principles of Americanism. * * *

"The recommendations of the Appropriations Committee, if enacted into law, would establish a most dangerous precedent. It would authorize the enforced withdrawal of every officer in the Army or Navy and would permit Congress to destroy the Army and Navy and would also empower Congress to withhold from any officer in the executive or judicial branch of the Government the pay allowed by law and force his retirement. It would establish a precedent whereby Congress could control the action of the Supreme Court of the United States or any other Federal judge. It can be argued with as much reason that the Appropriations Committee, if it saw fit, could appropriate

money for the pay of Members of Congress and also provide that none of the money so appropriated shall be paid to Congressman A or Congressman B, or even go so far as to prohibit the pay to all Congressmen belonging to the minority party. Many similar illustrations might be given. In short, such a precedent, if established, could be made to destroy the Government itself and to prevent it from functioning.

"* * * The fundamental principle of our Government that the three departments of government should be kept separate, distinct, and independent is absolutely destroyed if the proviso is not stricken from the bill. It is an alarming situation that confronts us when it is proposed to deprive a citizen of his rights without being given an opportunity to be heard in his own defense. It is nothing less than lynch law practiced in the city of Washington, the heart of the Republic, and under the very dome of the Capitol" (65 Cong. Rec. 4744).

"Mr. TUCKER. * * * The legislative power of this Congress, Mr. Chairman, is practically unlimited, and yet there is a limitation upon it, for the Constitution declares that no bill of attainder shall be passed. * * *

2. The Hunt case, 1924. The same bill had a similar proviso with respect to Col. John E. Hunt. The proviso was eliminated on the floor by a vote of 47 to 21 (65 Cong. Rec. 5043). Excerpts from the debates are:

"Mr. DICKINSON of Iowa. * * * It interferes with an Executive function. That being the case, it is my contention that this goes beyond the scope of a proper limitation. It does not involve a policy; it goes to an individual. For that reason it is not a proper limitation on an appropriation bill" (65 Cong. Rec. 5041).

"Mr. NEWTON of Minnesota. * * * I am not willing to say that because a certain court martial or a certain tribunal made a mistake the House of Representatives ought to revolutionize its own history and violate every principle of Anglo-Saxon jurisprudence and pass what is in fact a bill of attainder, as was so well pointed out by the gentleman from Virginia [Mr. Tucker]. * * *

3. The Eakin case, 1939. An amendment was offered on the floor of the Senate to the 1940 appropriation bill for the Department of the Interior which would forbid the payment of salary to J. Ross Eakin (H. R. 4852, 76th Cong., 1st sess.). It was defeated 31 to 28 (84 Cong. Rec. 4346). Statements made in the course of the debate included:

"Mr. TAFT. * * * He had no hearing before the committee. Even if there had been a hearing, it seems to me perfectly clear that this is not the body to try anybody for any offense against the laws of the United States. If Mr. Eakin has committed any offense he can be tried, and if he is convicted he can be removed. This is not the place to do it. It seems to me that the proposed procedure is simply trial by lynch law. * * *

"Mr. SCHWARTZ. * * * I am defending the right of a man to have a trial before the properly constituted officers upon a charge that he is doing these things. Until he gets such a trial I think the Senate should not affirmatively put a brand on him. The Constitution provides for a court of impeachment in the Congress, but in practice Senators have become glorified grand jurors, bringing in information from all over the United States, and now it appears we must be a petit jury and convict, without trial, persons who are in the executive departments and not under our jurisdiction" (84 Cong. Rec. 4312).

4. The Gruber case, 1941. An amendment to the Interior Department appropriation bill for 1942 (H. R. 4590, 77th Cong., 1st sess.) to forbid the payment of salary to Dr. Ruth Gruber was adopted on the floor of the House (87 Cong. Rec. 4703). It was eliminated by the Senate committee and the deletion accepted without debate by the Senate (87 Cong. Rec. 4677).

5. The Lasser case, 1941. An amendment to the emergency relief appropriation bill for 1942 (H. J. Res. 193, 77th Cong., 1st sess.), forbidding payment of salary to David Lasser was adopted by the House by a vote of 131 to 88 (87 Cong. Rec. 5113.) An effort to strike the amendment on the floor of the Senate was defeated by a voice vote and after very brief debate (87 Cong. Rec. 5385). This is the only instance which I have found in which the Senate concurred in such a rider proposed by the House. And in this case the House Appropriations Committee 6 months later attached a rider to a subsequent appropriation bill (H. R. 6159, 77th Cong., 1st sess.) which was designed to repeal the Lasser rider. (See H. Rept. No. 1470, pp. 38-39.) However, a point of order against legislation in any appropriation bill was sustained (87 Cong. Rec. 9494).

6. The Watson case, 1942. The House included a rider to the independent offices appropriation bill for 1943 which forbade the payment of salary to Goodwin Watson (H. R. 6430, 77th Cong., 2d sess.). It was eliminated on the floor of the Senate on a voice vote (88 Cong. Rec. 4142). Excerpts from the debate are:

"Mr. BARKLEY. * * * It seems to me that it is brutal and arbitrary to undertake to legislate a man out of office by providing that out of the appropriation he shall not be paid a salary. The appointment of men to public office is an executive function, not a legislative function, and the whole history of Congress, with one or two exceptions, indicates that it has frowned upon provisions of this kind which are, in fact, bills of attainder; that is what they amount to" (88 Cong. Rec. 4135).

"Mr. MURDOCK. * * * I am happy this afternoon to see the democratic leader of the Senate rise and offer an amendment to strike this language. We have neither the facilities nor the time to try individual cases in Congress. Why should we spend billions of dollars and millions of American lives in preserving and perpetuating our form of government, and at the same time disregard the provisions of the Constitution in the Halls of Congress? * * *

"Mr. DANAHER. One of the fundamental principles, I may say as a matter of interest, which prevailed in the old colony of Connecticut and later the State of Connecticut down through these hundred and more years is to be found in its original resolution adopted after the Declaration of Independence became known. The general court of Connecticut said this, and it is so real in its application, so apropos, that I call it to the attention of the Senator from Kentucky:

"No man shall be deprived of his honor or of his good name except by due process of law."

* * * * *

"If we can properly justify the particular language that appears here and against which the Senator from Kentucky inveighs, I respectfully submit it is open to amendment, and we can add a few other names if we like. I have a list of my own, I may say to the Senator from Kentucky" (88 Cong. Rec. 4139).

"Mr. HILL. There would be no person whose honor, whose good name, whose property, whose rights, whose liberty would be safe if we were to adopt this policy and put in appropriation bills provisions which run absolutely contrary to the very fundamental principle which safeguards and protects the rights of all American citizens" (88 Cong. Rec. 4140).

There have, then, been six similar cases in the last 20 years, and perhaps some others not known to me. In five of the cases the riders have been eliminated, either by the House or, in recent years, by the Senate. In the sixth case, which seems to have attracted little attention in the Senate, the House Appropriations Committee itself attempted to rectify the matter but was prevented by a point of order from its intended repeal of the provision.

WARNER W. GARDNER, *Solicitor*.

MAY 21, 1943.

Secretary ICKES. Worse still, the Secretary of the Interior.

Senator HOLMAN. Is there a difference between constitutional office and office created by Congress?

Secretary ICKES. Yes, sir.

Senator HAYDEN. That is exactly what I would like to bring out. The statement was made it might extend to the President and Chief Justice. They are constitutional officers, of course. Yet, if Congress is required to appropriate money for their pay, they could deny them the pay.

Senator HOLMAN. My thought is this—

Senator OVERTON (interposing). It could abolish his office, but that is not the question.

Senator HAYDEN. That is not the question.

Senator OVERTON. That is not the question before the committee. It is removal of an officer by providing him no compensation.

Senator McKELLAR. Has that ever been done before?

Senator HOLMAN. That was the object of my question.

CASES WHERE ATTEMPTS HAVE BEEN MADE TO WITHHOLD SALARIES
OF EMPLOYEES

Senator McKELLAR. Has that ever been done before? We have had many provisions in bills that have come over from the House denying compensation, just as this does, compensation to the holder of the office. I am wondering whether any of those have ever become law.

The CLERK. David Lasser.

Secretary ICKES. Two of those related to my Department. This is the third occasion on which I have been up here.

Senator McKELLAR. Did they pass it?

Secretary ICKES. No.

Mr. GARDNER. Only one, and that was the *Lasser case*. Last year the Goodwin, Watson and Raushenbush riders were eliminated.

Secretary ICKES. He is now in the Navy, if you call that subversive.

Mr. GARDNER. In 1925 the House proposed to cut off the pay of the Army officer, one man who had guarded Bergdoll and his superior officer. I have not done much research, but in the last 10 or 15 years there have been about half a dozen.

Senator McKELLAR. That have passed both Houses?

Mr. GARDNER. Only one has passed and that was the Lasser matter.

Senator McKELLAR. Was he removed and then put back?

Mr. GARDNER. That I do not know.

Senator McKELLAR. Will you look that up?

Mr. GARDNER. I will look it up.

Senator LODGE. I would be interested, Mr. Chairman, in any other cases that could be discovered in which the salary of a statutory officer had been denied by both Houses of Congress.

Secretary ICKES. We will see if we can find it.

Senator McKELLAR. He does not think there is but one. Mr. Smith may be able to tell us.

The CLERK. David Lasser.

Senator McKELLAR. Was Lasser in your Department, Mr. Secretary?

Senator HAYDEN. Whose Department?

Secretary ICKES. I think it was the W. P. A.

Mr. GARDNER. W. P. A.

Secretary ICKES. He has never been in my Department or any of my activities.

Senator McKELLAR. What about the two men?

Secretary ICKES. Last year Stephen Raushenbush. Fortunately a number of your committee knew him intimately and had used him as an investigator.

Senator McKELLAR. It was not passed in the Senate.

Secretary ICKES. It was not passed in the Senate.

Senator McKELLAR. Who was the other?

Senator ICKES. The prior one was Dr. Ruth Gruber. I gave her special research in Alaska. She has more experience in Arctic research than possibly anyone with the exception of Stefasson. She

was on her way to Los Angeles when they cut her off. I came over here and the committee has always listened graciously and it did not occur.

Senator McKELLAR. It did not pass the Senate?

Secretary ICKES. It did not pass the Senate. Both of those amendments were offered as amendments to the Interior supply bill from the floor of the House.

Senator McKELLAR. What started the movement against this man Lovett?

MOVEMENT AGAINST MR. LOVETT STARTED BY DIES COMMITTEE

Secretary ICKES. The Dies committee.

Senator McKELLAR. Is he generally known among his friends and acquaintances as a Communist?

Secretary ICKES. To the contrary. I have known him 45 years.

Senator McKELLAR. You never dreamed he was a Communist?

Secretary ICKES. I know he is not. One man can know another and at the end of 45 years know he is not a Communist, unless perhaps I am one.

Senator McKELLAR. You have never seen the evidence which was before the committee?

Secretary ICKES. No.

Senator McKELLAR. I saw the report, but I did not see the evidence.

Secretary ICKES. I do not think the evidence went before the House.

Senator LODGE. Mr. Chairman, I would like to know what the procedure is in a case of this kind whether a man whose salary is sought to be denied is given opportunity to appear in his own behalf and respond.

Senator McKELLAR. Is he. Can we have him before the committee?

Secretary ICKES. I will have him.

Senator LODGE. Could I get an answer to my question?

Senator McKELLAR. Yes.

Senator HOLMAN. You stated he was 2 hours before the House committee.

Secretary ICKES. Yes; a star chamber session.

Senator LODGE. May I have an answer to my question?

Secretary ICKES. What was the question?

EXTENT OF OPPORTUNITY AFFORDED MR. LOVETT TO DEFEND HIMSELF

Senator LODGE. I would like to know about the procedure when it was sought to deny this man's salary, to wit, was he given an opportunity of being present, was he given an opportunity to hear the remarks that were made about him, and was he given suitable opportunity to rebut those remarks?

Secretary ICKES. He appeared 2 hours before the Kerr committee in closed session. He was denied the right of counsel. He had no prior presentation of charges, no opportunity to prepare himself. He was denied the right to produce witnesses, and he was not confronted by his accuser, and was denied the right of cross-examination, was denied all the fundamental American rights I thought we were fighting for.

Senator OVERTON. Is the Kerr committee report a matter of record?

Mr. GARDNER. It is a committee report.

Senator OVERTON. It is in the hearings on the urgent deficiency bill?

Mr. GARDNER. No; it is the report of the committee. Their committee hearings have not been printed and will not be printed, I gather.

Senator LODGE. So the record is not available to anybody.

Mr. GARDNER. That is the case.

Senator McKELLAR. Gentlemen of the committee, I feel in a case like this with the evidence of Secretary Ickes before us we should call Mr. Lovett, and he can come up here with counsel and with his witnesses if he desires.

Secretary ICKES. Fine.

Senator McKELLAR. That is my initial idea. Do the gentlemen of the committee agree with me?

Senator THOMAS. Where is Mr. Lovett?

Secretary ICKES. In the Virgin Islands.

Senator LODGE. I do not think it is necessary to call him. I am willing to oppose this amendment now.

Senator McKELLAR. Since the statement has been made by the Secretary of the Interior that he was not allowed to appear and be represented by counsel and have witnesses, I think it would be very well for our committee to give him that privilege.

Senator THOMAS. If anyone has any doubts about his Americanism and patriotism, but personally I do not.

Secretary ICKES. There is no prima facie case.

Senator LODGE. There is absolutely nothing before this committee.

Senator OVERTON. There is absolutely no evidence, nothing appearing in the House hearing. We would have to go outside the record. Let his accusers come before this committee and we can call Mr. Lovett.

Senator HOLMAN. In other words this committee is not taking the initiative in this matter at all.

Senator OVERTON. Nobody has. The Appropriations Committee of the House had no evidence before it. This was adopted on the floor of the House. Someone referred to the Kerr report.

Senator McKELLAR. Is what Senator Overton says the consensus of the committee members?

Senator HAYDEN. I think that is the sound procedure.

Senator OVERTON. Why bring a man to defend himself against nothing?

Senator HAYDEN. We have some 10 appropriation bills to dispose of between now and the end of June. If we go into the merits of this case it is going to take a lot of time. I see no necessity for wasting the time.

Let me be sure about one thing. Was this an amendment offered on the floor of the House or the judgment of the full committee?

Mr. GARDNER. The report was passed by the full Committee on Appropriations and offered as an amendment on the floor.

Senator McKELLAR. Was it offered on the floor of the House as legislation?

Mr. GARDNER. They have a special rule pursuant to which the Kerr committee was set up.

Senator McKELLAR. The Appropriations Committee, the full committee endorsed this before it was offered in the House under their rule?

Mr. GARDNER. It was reported out.

Senator OVERTON. It was not reported with this bill.

Mr. GARDNER. No.

TEXT OF SECTION 304

Senator McKELLAR. Let the proposed amendment to the urgent deficiency appropriations bill be put in the record.

(The proposed committee amendment referred to is as follows:)

SEC. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this Act, or (2) which is now, or which is hereafter made, available under or pursuant to any other Act, to any department, agency, or instrumentality of the United States, shall be used to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Junior, and Robert Morss Lovett: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to the date of the enactment of this Act: *Provided further*, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States nor any benefit, pension, or emolument resulting therefrom.

Secretary ICKES. There was some proceeding before the subcommittee of the Appropriations Committee on the Department of the Interior and Lovett appeared there under the same circumstances. They did allow an observer from the Department, but our Solicitor appeared but he had none of our rights, the rights to produce witnesses and the right to be represented by counsel.

Senator HOLMAN. Did he request to be represented by counsel and produce witnesses?

Secretary ICKES. No.

Senator LODGE. Has anybody from the House asked to come over and support this?

Senator McKELLAR. This is the first—

Senator OVERTON (interposing). It may be—

Secretary ICKES. I take it you do not want me to give this out.

Senator McKELLAR. If you want to release the statement, there is no objection.

Secretary ICKES. Thank you very much, and if you want me at any time I shall be glad to respond.

Senator McKELLAR. All right, thank you, Mr. Secretary.

GOVERNMENT IN THE TERRITORIES

GOVERNMENT OF THE VIRGIN ISLANDS

Senator McKELLAR. I have a letter from the Secretary of the Interior regarding this which we will insert in the record at this point.
(The letter referred to is as follows:)

THE SECRETARY OF THE INTERIOR,

Washington, May 19, 1943.

Hon. KENNETH McKELLAR,

Chairman, Subcommittee, Appropriations Committee,

United States Senate.

MY DEAR SENATOR McKELLAR: It is requested that the following amendments be added by the Senate to the urgent deficiency appropriation bill for 1943 which has been referred to your committee for consideration:

Salaries and expenses, Government of the Virgin Islands: For an additional amount for salaries and expenses, fiscal year 1943, including

the objects specified for the appropriation for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 560)-----	\$7,000
Salaries and expenses, agricultural experiment station and vocational school, Virgin Islands: For an additional amount for salaries and expenses, fiscal year 1943, including the objects specified for the appropriation for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 560)-----	2,100
The limitation of 19,950 upon the amount that may be expended for administrative expenses, Puerto Rican hurricane relief, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$22,350.	
Defraying deficits in treasuries of municipal government, Virgin Islands: For an additional amount, fiscal year 1943, for defraying the deficit in the treasury of the municipal government of St. Croix because of the excess of current expenses over current revenues for the fiscal year 1943 (56 Stat. 560)-----	45,000

These items were transmitted by the President to the House of Representatives on April 26, 1943, where they were incorporated in House Document No. 183 and were referred to the Committee on Appropriations. The first three items were disallowed by that committee. The fourth item was approved by the committee but was eliminated on a point of order on the floor of the House.

It is imperative that these items be included in the pending bill. The Department will therefore appreciate being heard by your committee when it considers the bill.

Sincerely yours,

ABE FORTAS,
Acting Secretary of the Interior.

GOVERNMENT IN THE TERRITORIES

STATEMENTS OF BENJAMIN W. THORON, DIRECTOR, AND KENFIELD BAILEY, ADMINISTRATIVE OFFICER, DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

Senator McKELLAR. Now will you give your full name to the reporter?

Mr. THORON. Benjamin W. Thoron, Director of Division of Territories and Island Possessions with the Interior Department.

Senator McKELLAR. This is page 7 of the bill. A communication from the President of the United States transmitting the Budget estimate for these items will be inserted at this point.

(The communication from the President of the United States, H. Doc. No. 183, is as follows:)

[H. Doc. No. 183, 78th Cong., 1st sess.]

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING SUPPLEMENTAL ESTIMATES OF APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR FOR THE FISCAL YEAR 1943 AMOUNTING TO \$78,100 AND DRAFTS OF PROPOSED PROVISIONS PERTAINING TO EXISTING APPROPRIATIONS

THE WHITE HOUSE,
Washington, April 26, 1943.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress supplemental estimates of appropriations for the Department of the Interior for the fiscal year 1943 amounting to \$78,100, and drafts of proposed provisions pertaining to existing appropriations.

The details of these estimates and proposed provisions, the necessity therefor, and the reasons for their transmission at this time are set forth in the letter

of the Director of the Bureau of the Budget, transmitted herewith, with those comments and observations thereon I concur.

Respectfully,

FRANKLIN D. ROOSEVELT.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., April 22, 1943.

The PRESIDENT,
The White House.

SIR: I have the honor to transmit herewith for your consideration supplemental estimates of appropriations for the Department of the Interior for the fiscal year 1943, amounting to \$78,100, together with drafts of proposed provisions pertaining to existing appropriations, as follows:

* * * * *

GOVERNMENT IN THE TERRITORIES

GOVERNMENT OF THE VIRGIN ISLANDS

Salaries and expenses, Government of the Virgin Islands: For an additional amount for salaries and expenses, fiscal year 1943, including the objects specified for the appropriation for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 560)-----	\$7,000
Salaries and expenses, agricultural experiment station and vocational school, Virgin Islands: For an additional amount for salaries and expenses, fiscal year 1943, including the objects specified for the appropriation for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 560)-----	2,100

The foregoing estimates of appropriations are required to provide funds for payment of the differential in wage rates which has been extended to Federal employees in the Territories and insular possessions of the United States.

Defraying deficits in treasuries of municipal governments, Virgin Islands:
For an additional amount, fiscal year 1943, for defraying the deficit in the treasury of the municipal government of St. Croix because of the excess of current expenses over current revenues for the fiscal year 1943 (56 Stat. 560)----- \$45,000

The purpose of this item is to provide additional funds for defraying an anticipated deficit in the treasury of the municipality of St. Croix for the fiscal year 1943. This increased deficit has been caused by two primary factors—an increase in the basic wage for unskilled labor in St. Croix and a decrease in anticipated revenues for the year.

PUERTO RICAN HURRICANE RELIEF

DRAFT OF PROPOSED PROVISION PERTAINING TO EXISTING APPROPRIATIONS

"The limitation of \$19,950 upon the amount that may be expended for administrative expenses, Puerto Rican Hurricane Relief, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$22,350."

The purpose of this provision is to provide additional funds to cover salary increases due to the application to Puerto Rico of the differential in wage rates to Federal employees in the Territories and insular possessions of the United States, and for the replacement of furniture presently loaned to the Puerto Rican Hurricane Relief loan section by the Post Office Department, and which that Department has indicated it now requires for its own needs.

The foregoing supplemental estimates of appropriations and drafts of proposed provisions pertaining to existing appropriations are required to meet contingencies which have arisen since the transmission of the Budget for 1943 and their approval is recommended.

Very respectfully,

HAROLD D. SMITH,
Director of the Bureau of the Budget.

GOVERNMENT OF THE VIRGIN ISLANDS, SALARIES AND EXPENSES

Senator McKELLAR. You may proceed.

Mr. THORON. Here we have four items altogether.

The first two are a request for an additional amount for salaries and expenses for the government of the Virgin Islands, \$7,000, and an item closely related to it, salaries and expenses for the agricultural experiment station and vocational school, Virgin Islands, \$2,100.

PROVISION FOR 25 PERCENT SALARY DIFFERENTIAL

Those increases are made necessary by the increases in salaries due to the establishment throughout the Government departments of the 25 percent salary differential for classified employees serving outside of the continental United States.

Senator McKELLAR. Let me ask you there, if I may. Those increases are made by law, those increases in salaries?

Mr. THORON. I believe there must be a legal background. The Civil Service Commission worked out a regulation under which the departments have applied generally since the 1st of February a 25 percent differential on comparable jobs outside the continental United States, wherein—

Senator McKELLAR (interposing). Did the Congress provide that, or did the Congress authorize the Civil Service to work out such a proposal?

Mr. THORON. I do not know, sir.

Senator McKELLAR. That is the important thing. The Civil Service cannot fix salaries unless authorized by Congress.

Mr. THORON. Every agency of the Government in the Virgin Islands with the possible exception of the Customs Service, which is paid out of the customs revenues collected in the Virgin Islands, has applied this 25 percent increase over the salaries on the continent in comparable classified jobs and the action was approved by the Civil Service Commission. It is necessary on these Virgin Islands Government jobs in order to run the government of the Virgin Islands. Otherwise the other departments just take our people away from us.

Senator McKELLAR. It went out on a point of order in the House.

Mr. THORON. I do not think that was the item that went out in the House.

Senator McKELLAR. I understand they omitted them entirely.

Senator HAYDEN. I am interested in the legal justification for the action taken by the Civil Service Commission. Maybe the other gentleman could enlighten us.

Mr. BAILEY. We inserted in the hearings before the Appropriations Committee of the House the civil-service regulations which were issued with reference to that, and as far as I know there really is no legal authority for it other than—I think it is on page 104.

Senator McKELLAR. Page 101 is where the order is.

Mr. BAILEY. Mr. Beasley just advised that Congress, 2 or 3 years ago passed an act authorizing such differential.

Senator HAYDEN. That, I think, is what you better put into this record.

Mr. THORON. We will do that, sir.

Senator HAYDEN. Put the statute in and what the civil service has done is already in the House record.

Mr. THORON. Yes, sir.

Senator HAYDEN. What we want in this record is the statute which authorizes the civil service to do that.

Mr. THORON. We will do that.

(The statement follows:)

AUTHORITY FOR GRANTING 25 PERCENT DIFFERENTIAL

Title II, section 3 (c) of Public No. 880, Seventy-sixth Congress, provides:

"Whenever the President, upon report and recommendation by the Commission, shall find and declare that the rates of the compensation schedules of the Classification Act of 1923, as amended, are inadequate for any offices or positions under such Act, as amended and extended, he may by Executive order establish necessary schedules of differentials in the rates prescribed in such compensation schedules, but the differentials in the compensation of any such office or position shall not exceed 25 per centum of the minimum rate of the grade to which such office or position is allocated under such compensation schedules: *Provided*, That the provisions of this subsection shall be applicable only to such offices or positions having the following characteristics:

"Offices or positions which are located at stations that are isolated, remote, or inaccessible when compared with stations at which offices or positions of the same character are usually located, or which involve physical hardships or hazards that are excessive when compared with those usually involved in offices or positions of the same character, or which are located outside the States of the United States and the District of Columbia: *Provided further*, That nothing herein contained shall preclude the Commission from taking the factor of isolation, hardship, hazard, or foreign service into consideration in allocating a given class of offices or positions to a service and grade under the Classification Act of 1923, as amended, if such factor is uniformly involved in each office or position in the class, in which event no differential is authorized under this section."

The regulations already referred to issued by the Civil Service Commission are followed by practically all agencies having employees in the offshore areas. The Comptroller General of the United States has ruled in several decisions that the application of such wage differentials has authority of law. Special reference is made to Comptroller General's decisions B-30338, dated December 23, 1942 (22 C. G. 491), and B-29923, dated November 3, 1942 (22 C. G. 432).

Mr. THORON. These sums have been carefully calculated as the amounts necessary to comply with that.

Senator THOMAS. They are budgeted?

Mr. THORON. Yes, sir. The unobligated funds remaining at the 1st of May require these sums to meet the pay rolls to the end of June.

PUERTO RICAN HURRICANE RELIEF

The next item is an authorization of the use of funds which are unobligated balances of appropriations which were made many years ago for the collection of the loans that were made after the Puerto Rican hurricane in 1928.

An additional sum of \$2,400 is asked to be used out of this appropriation for the same purposes, including \$500 for the purchase of office equipment which is made necessary because the equipment which we have been borrowing all these years from the Post Office Department in San Juan, that Department has demanded the return of as being absolutely essential to their operation, and we need desks and chairs for the small unit of eight people, and this is the cheapest

estimate on furniture we can get. It will be local furniture so as to avoid having to ship any down and using shipping space.

Senator McKELLAR. Do you mean the item on page 4 of Budget estimate, the limitation of \$19,500 upon the amount that may be expended for administrative expenses, Puerto Rican hurricane relief, contained in the Interior Department Appropriations Act, 1943, is hereby increased to \$22,350?

Mr. THORON. Yes, sir.

Senator McKELLAR. All right, sir; anything else?

DEFRAYING DEFICITS IN TREASURY OF MUNICIPAL GOVERNMENT OF ST. CROIX

Mr. THORON. The item of \$45,000 for defraying deficits in the treasuries of the municipal governments of the Virgin Islands which was stricken out on a point of order in the House.

For a number of years it has been the practice of the Congress to make an appropriation in the Interior Department appropriations bill to defray the deficits in the operation of the municipal governments in the Virgin Islands.

The municipality of St. Thomas, owing to war activities, is now on a self-supporting basis.

The municipality of St. Croix has suffered a war depression. It is entirely agricultural.

The estimate for the fiscal year 1943 was made on the basis of the actual revenues for the fiscal year 1942, and on that basis an appropriation of \$114,000 was made by Congress to meet the deficit. The actual revenues as estimated on the basis of receipts in the first 7 months of this fiscal year will run \$51,000 less than that, and we are asking for a \$45,000 deficiency item to take care of that decrease in revenue. The budgeted expenditures have not been increased. They are as they were when the original request was submitted to Congress. I have made every effort to see whether any item of expense could be eliminated, but it does not seem possible to absorb more than the difference between \$45,000.

Senator HAYDEN. The request you made was approved by the House committee, and went out on a point of order.

Mr. THORON. That is correct.

Senator McKELLAR. Anything else?

BUREAU OF INDIAN AFFAIRS

MAINTENANCE, WAPATO IRRIGATION AND DRAINAGE SYSTEM, ETC.

Senator McKELLAR. This is an item of \$20,000 for the maintenance of the Wapato irrigation and drainage system, Yakima Reservation, Wash.

The communication from the President of the United States transmitting the Budget estimate on this item will be inserted at this point.

(The communication from the President of the United States, House Doc. No. 39, referred to, is as follows:)

[S. Doc. No 39, 78th Cong., 1st sess.]

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING SUPPLEMENTAL ESTIMATE OF APPROPRIATION FOR THE DEPARTMENT OF THE INTERIOR, FISCAL YEAR 1943, AMOUNTING TO \$20,000

THE WHITE HOUSE,
Washington, May 14, 1943.

The PRESIDENT OF THE SENATE,

SIR: I have the honor to transmit herewith for the consideration of Congress a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1943, amounting to \$20,000.

The details of this estimate, the necessity therefor, and the reasons for its transmission at this time are set forth in the letter of the Director of the Bureau of the Budget, transmitted herewith, in whose comments and observations I concur.

Respectfully,

FRANKLIN D. ROOSEVELT.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., May 14, 1943.The PRESIDENT,
The White House.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1943, amounting to \$20,000, as follows:

BUREAU OF INDIAN AFFAIRS

Maintenance, Wapato irrigation and drainage system, etc., Yakima Reservation, Wash. (receipt limitation): For operation and maintenance of the Wapato irrigation and drainage system and auxiliary units thereof, Yakima Indian Reservation, Wash., fiscal year 1943, \$20,000, to be added to the \$165,980 appropriated for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 520)— \$20,000

This item is necessary to provide increased funds for the operation and maintenance of the irrigation system on the Yakima Indian Reservation, Wash., during the remainder of the fiscal year 1943, due to rising prices of labor, materials, and supplies. Sufficient funds are available in the account covering collections from water users to provide for the amount requested.

The foregoing estimate of appropriation is requested to meet a contingency which has arisen since the transmission of the Budget for 1943, and its approval is recommended.

Very respectfully,

HAROLD D. SMITH,
Director of the Bureau of the Budget.STATEMENT OF ALBERT L. WATHEN, ACTING CHIEF, ENGINEERING
BRANCH, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE
INTERIOR

Senator THOMAS. What department do you handle?

Mr. WATHEN. The engineering branch.

Senator THOMAS. Under what particular head?

Mr. WATHEN. Irrigation, roads, and building construction.

Senator MCKELLAR. All right, Mr. Wathen, will you please explain what you want?

Mr. WATHEN. The original estimate for the Wapato project was \$165,980 for the fiscal year 1943. That estimate upon which the appropriation was based was made prior to the rise in prices of labor and material. The funds are furnished by the water users. This is not a Treasury appropriation. It is merely an appropriation from

collections which is required under the Permanent Appropriation Repeal Act.

Senator LODGE. What act?

Mr. WATHEN. The Permanent Appropriation Repeal Act.

Senator LODGE. The Permanent Appropriation Repeal Act?

Mr. WATHEN. That was an act of 1934, I believe, that requires all collections made from water users to be deposited into the Treasury and reappropriated before they are available for use.

Senator McKELLAR. Which is a very proper practice, but at the same time we want you gentlemen in the Department to remember that because we reappropriate it out of the Treasury it is still Government money just the same and does not belong to that particular project.

Mr. WATHEN. Yes. That is a little different. Our appropriation for maintenance and operation out of collections is not a Treasury appropriation. The money is collected in advance from the water users.

Senator McKELLAR. But it is United States money and it is in the Treasury and the thing I want to impress upon you is to always remember that even when you are appropriating from funds derived from the plants that you are operating, they are still Government funds. All of them. The plant itself belongs to the Government.

Mr. WATHEN. No, sir; the maintenance and operation of our irrigation system is carried on through collections from water users.

Our situation briefly is this—

Senator McKELLAR (interposing). The Government builds the dams and furnishes the water at a price and that is put into the Treasury and it is all a Government operation. It does not belong to individuals who happen to be running it and I wanted you to be just as careful with that money as if you were getting it out of the Treasury without regard to where it came from.

Senator HAYDEN. I will say for Senator Lodge's benefit that I had charge of this legislation and we found that there were many departments where money was collected and spent and nobody knew about it. The House passed it first and we went over it. It was a long and laborious job, and among these things we came to the reclamation projects. The money is paid into the Treasury of the United States and it does not become available, although the farmer pays it, knowing it is for his operations, until Congress reappropriates it, and what Senator McKellar says is absolutely true.

Senator LODGE. This is collected from people living in an irrigation district.

Senator HAYDEN. Yes.

Senator LODGE. And who—

Senator McKELLAR (interposing). Uses water.

Senator LODGE. A representative of what agency?

Senator HAYDEN. In this case it is the Indian Service, and in irrigation it is the Reclamation Service. They estimate what it will cost and they levy an assessment.

Senator LODGE. And if they happened to live there on irrigated land, whether or not they want the water they have to pay for it.

Senator HAYDEN. Yes.

Senator McKELLAR. And it stays in the Treasury and they must come before Congress for it.

Senator LODGE. It is not like a school district.

Senator HAYDEN. In the originally adopted project there were how many acres?

Mr. WATHEN. 145,000.

Senator HAYDEN. 145,000 acres that can be irrigated. They put a construction charge on, and as the project is completed there is an operation and maintenance charge, and every farmer that gets that water is obligated to pay it. A man cannot say, "I will not pay," and shove the burden on the others.

Senator HOLMAN. But there is a local set-up. There is a board of governors.

Senator HAYDEN. Oh, yes. What has to be done is a local department, but for purposes of accounting we may know what we are doing and we require the money to go into the Treasury and appropriate it out.

Senator McKELLAR. Which is very, very proper in my judgment, and if this is a proper item, and it seems to be, we ought to allow it. The only thing I want to be careful with you as head of the department is in asking for the appropriations do not ask for more than you need because the money comes out of a fund that has already been collected.

Mr. WATHEN. Mr. Chairman, I might bring out one little point. We are very careful to submit these estimates to you gentlemen because we know you scrutinize them carefully, but we have a harder taskmaster than even yourself, the men we collect the money from, so we spend it judicially.

Senator OVERTON. Do those supplemental appropriations come out of water rentals?

Mr. WATHEN. Yes, collections.

Senator OVERTON. And nothing is in excess of water rentals?

Mr. WATHEN. That is right.

Senator McKELLAR. Is it self-supporting?

Senator OVERTON. May I continue with this thought, Mr. Chairman?

Senator McKELLAR. Yes.

Senator OVERTON. I understood from what Senator Hayden said, your department determines a year in advance how much money you need.

Mr. WATHEN. Yes, sir.

Senator OVERTON. And that is assessed against the water users?

Mr. WATHEN. That is right.

Senator OVERTON. So the income will be equal to the outgo?

Mr. WATHEN. Yes, sir.

Senator OVERTON. When you come in and ask for \$20,000 more, where do you get the additional income?

Mr. WATHEN. This money is already in the Treasury, collected in advance.

Senator OVERTON. As an overcharge?

Mr. WATHEN. We have a balance we carry forward every year to take care of expenses until money for the following fiscal year is made available. In this particular project we try to carry \$50,000.

Senator McKELLAR. Which is a splendid purpose, which is in accordance with the law. We cannot appropriate more than you collect.

Mr. WATHEN. There is one little point I would like to make, if you will bear with me.

The construction cost of these projects are repaid by the landowners over a period of years. This happens to be 40 years.

The maintenance and operation charges are collected annually in advance, so the situation we are in if this is not appropriated is the same as though you may have paid me \$100 to do some work, and if Congress did not appropriate \$100 I could not spend it.

Senator LODGE. May I ask a question?

Senator McKELLAR. Yes.

Senator LODGE. How does this project work?

Mr. WATHEN. This is a project which has been——

Senator LODGE. Could you put a brief statement in the record showing how much has been paid in and how much taken out?

Mr. WATHEN. I have not those figures. I would have to get them from Chicago. The construction assessments are paid up to date and the maintenance and operation is paid in advance. There is absolutely no drain on the Treasury.

Senator McKELLAR. You keep about \$50,000 ahead?

Mr. WATHEN. \$50,000 to \$60,000 we carry forward.

Senator McKELLAR. Thank you very much.

GEOLOGICAL SURVEY

FUND TO MEET OBLIGATIONS PENDING REIMBURSEMENT BY COOPERATING AGENCIES

Senator McKELLAR. Here is an item of \$400,000 to enable the Geological Survey to meet obligations incurred by it, arising from cooperative work pending reimbursement from cooperating agencies.

STATEMENT OF JULIAN D. SEARS, ADMINISTRATIVE GEOLOGIST, UNITED STATES GEOLOGICAL SURVEY, WASHINGTON, D. C.

Senator McKELLAR. Will you give your name and official position to the reporter?

Mr. SEARS. Julian D. Sears, administrative geologist, Geological Survey.

Senator McKELLAR. Now, the communication from the President of the United States, transmitting the Budget estimate, will be inserted here.

(The communication of the President of the United States transmitting the Budget estimate is as follows:)

[S. Doc. No. 45, 78th Cong., 1st sess.]

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING A SUPPLEMENTAL ESTIMATE OF APPROPRIATION FOR THE DEPARTMENT OF THE INTERIOR, FISCAL YEAR 1943, AMOUNTING TO \$400,000

THE WHITE HOUSE,
Washington, May 17, 1943.

THE PRESIDENT OF THE SENATE.

SIR: I have the honor to submit herewith for the consideration of Congress a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1943 amounting to \$400,000.

The details of this estimate, the necessity therefor, and the reasons for its transmission at this time are set forth in the letter of the Director of the Bureau of the Budget, transmitted herewith, in whose comments and observations thereon I concur.

Respectfully,

FRANKLIN D. ROOSEVELT.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., May 15, 1943.

The PRESIDENT,
The White House.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1943, amounting to \$400,000, as follows:

GEOLOGICAL SURVEY

To enable the Geological Survey to meet obligations incurred by it arising from cooperative work pending reimbursement from cooperating agencies, \$400,000, which amount shall be placed to the credit of the 1943 appropriation account of the Geological Survey: *Provided*, That there shall be returned to the Treasury not later than 6 months after the close of the fiscal year 1943 out of reimbursements received from cooperating agencies an amount equal to the sum herein appropriated— \$400,000

This estimate is necessary because a substantial part of the Geological Survey's current appropriation has been advanced to pay the salaries and other costs of investigations and related work performed in cooperation with States and municipalities, and on behalf of other Federal agencies. Due to long delays before the reimbursements therefor became available for use by the Bureau, the Geological Survey lacks available funds to meet a part of its obligations in the last 2 months of the current fiscal year, and this estimate provides temporary relief, with no increase in ultimate expenditures.

The foregoing estimate of appropriation is required to meet a contingency which has arisen since the transmission of the Budget for 1943, and its approval is recommended.

Very respectfully,

HAROLD D. SMITH,
Director of the Bureau of the Budget.

Senator McKEILLAR. Now, why is it necessary to appropriate this money at this time?

Mr. SEARS. May I emphasize, Mr. Chairman, this is not an appropriation intended for permanent expenditure, but a means whereby we can have temporary working funds until we can get repaid.

Senator HAYDEN. I notice the justification says to enable the Geological Survey to meet obligations incurred by it, arising from cooperating work pending reimbursement from cooperating agencies.

Who is behind in their payments? What States or municipalities or agencies of the Government? Is this due to work you are doing in the war effort?

You are helping out some other Government agencies?

Mr. SEARS. It is our regular cooperative work, Senator, with which you are quite familiar. We cooperate in topographic mapping, stream gaging, and water resources investigations and geologic surveys with practically every State in the United States.

Senator HAYDEN. What intrigues me is I have had charge of the Interior appropriation bill for a long time and I do not understand why you got behind right now.

Senator LODGE. Why do you have to advance the money?

COMPTROLLER GENERAL REQUIRES EXPENDITURES TO ALL BE PAID FROM
FEDERAL FUNDS AND THEN SEEK REIMBURSEMENT

Mr. SEARS. The Comptroller General requires us, insofar as possible and permissible under the various State laws that control the expenditures of State moneys, to make this arrangement: insofar as feasible, we are to pay salaries and expenses of the entire project, our half as well as the State's half, in the first instance from our Federal funds and then seek reimbursement from the States for their half of the money. That is done now as contrasted to the old practice prior to about 15 years ago, in order that our expenditures from the States' funds can be passed through for final review by the General Accounting Office, whereas under the former practice, if it still held, whereby the State moneys were put in a special deposit to our credit and we could draw on it, the General Accounting Office would have no check.

Senator LODGE. Does this happen every year?

WORK FOR FEDERAL AGENCIES HAS INCREASED

Mr. SEARS. Yes, sir. It is a little bit worse this year because we are doing a little more work for other Federal agencies, and also we have had to make a little heavier draft on our funds to pay the overtime.

Senator HAYDEN. The Geological Survey has been called upon to do a lot of work throughout the United States to develop critical and strategic metals we could not get from abroad.

Mr. SEARS. Yes, sir.

Senator HAYDEN. And what I wondered was whether you had spent money out of your general appropriation that made you short here.

Mr. SEARS. No, sir; this is merely in the first instance——

CAUSE OF DELAY IN GETTING REIMBURSEMENTS

Senator McKELLAR (interposing). Why are the States behind?

Mr. SEARS. They are not behind in any sense that we are critical of. The machinery of subdividing accounts takes a while to work out. For instance, in water resources investigations in any particular State, on which we may have 10 or 15 persons working, that work may be eventually financed partly from our own appropriations and partly from State funds (at least 50 percent of the total), which may come from two or three State appropriations. Maybe some comes from county funds or municipal funds. There may be some work being done for several Army engineering districts, the Weather Bureau, or the Tennessee Valley——

Senator McKELLAR. When do you expect to get the money to pay this back?

Mr. SEARS. It comes in as soon as——

Senator HAYDEN (interposing). You are required in 6 months to get the money back.

Mr. SEARS. Oh, yes, it has to be back in 6 months.

Senator HAYDEN. There is one thing made mention of that seems to be sound, so far as the Comptroller General is concerned, the money

you paid out he could check your books and the State's accounts. He says you shall pay it all and in that way he will have a check.

Senator McKELLAR. What will happen if you do not get this appropriation?

EFFECT OF FAILURE TO APPROPRIATE ADDITIONAL FUNDS

Mr. SEARS. It means they have already stopped paying most of our bills other than the actual pay roll.

Those bills are piling up from various creditors—the suppliers of equipment, or for the rent of storage space for automobiles, and for rented space. We are not able to pay the actual expense vouchers of our men traveling on official business who have to advance their own expenses and who count on fairly prompt reimbursement to keep their funds liquid.

AMOUNT TO BE PAID INTO TREASURY WITHIN 6 MONTHS

Senator HAYDEN. There is no question but what every cent of this \$400,000 will be paid back in the Treasury in 6 months.

Mr. SEARS. There is no doubt.

Senator McKELLAR. Did it happen last year?

Mr. SEARS. Last year we began to hold out these payments the latter part of May. This year it happened sooner.

Senator McKELLAR. Were the funds paid back?

Mr. SEARS. Yes, sir.

Senator McKELLAR. How much was appropriated in the first place last May or June and how much was paid back?

Mr. SEARS. We had no special appropriation of this type last year that had to be paid back.

Senator HAYDEN. That is what I said, this is the first time you have come in with a deficiency.

Mr. SEARS. Yes. We have not paid our bills.

Senator HAYDEN. If you can stand some off for 30 days longer then your regular appropriation would be available.

PROVISION IN REGULAR INTERIOR APPROPRIATION ACT PERMITS USE OF FUNDS PRIOR TO BEGINNING OF FISCAL YEAR

Mr. SEARS. In the past we have had another provision; you recall that in the regular annual appropriation act there is a provision which is intended to help us this way, to wit, in the regular Interior Department Appropriations bill for 1944 there is a provision that we may draw on that appropriation as soon as the bill is passed, but the trouble is that provision does not do us any good until the act is passed.

Senator McKELLAR. It looks like a very complicated manner of financing. It seems to me it ought to be worked out in some other way than to come before us with two attacks on the Treasury at the same time, one through the Interior and one through the deficiency. I should think you could work out a way of handling this in one appropriation.

Senator HAYDEN. He could if Congress passed the Interior appropriations bill in time.

Senator McKELLAR. Even though you would have to make it immediately available.

Mr. SEARS. It does not become effective until the law is passed.

Senator HAYDEN. Ordinarily in years gone by we would——

Senator McKELLAR. All right.

Senator LODGE. Mr. Chairman, may I ask a question?

Senator McKELLAR. Surely.

DEFINITION OF COOPERATIVE WORK

Senator LODGE. To enable the Geological Survey to do cooperative work. When you say cooperative work, does that mean work you do with the State or municipality?

Mr. SEARS. That is the usual meaning of the word.

Senator HAYDEN. But it could be with the War Department.

Mr. SEARS. That is the general term we give work we do for other departments.

Senator LODGE. What does it mean in this instance?

Mr. SEARS. We are financially in the hole for both kinds.

Senator LODGE. Cooperative work means work done with a State or municipality.

Mr. SEARS. Yes.

Senator LODGE. Does it include the insular governments?

Mr. SEARS. Yes.

Senator LODGE. It is not a complete definition of it.

Mr. SEARS. That is all that occurred to me.

Senator LODGE. I think we ought to know what we are spending the money for.

Mr. SEARS. I think that is correct.

Senator LODGE. That cooperative work is done under authority of law, I presume.

Mr. SEARS. Yes.

LAW PROVIDES THE AMOUNT OF FUNDS TO BE FURNISHED BY COOPERATING AGENCIES

Senator LODGE. Does that authority of law specify the amount of funds that shall be paid out by the Federal Government in the case of a Federal-State project and the amount to be paid by the State?

Mr. SEARS. In two of our appropriation items there are definite provisions that the State's share must be at least half.

WORK FOR FEDERAL AGENCIES REPAY WORK

Senator LODGE. In the cases where you are doing work for another Federal agency do you provide it all?

Mr. SEARS. That is repay work.

Senator HAYDEN. They reimburse you 100 percent.

Mr. SEARS. We are authorized to receive money from them to do work which we cannot accomplish within the limitations of our own appropriation.

Senator LODGE. Do you think this is a good system, that is my point? Is it a good system to do it this way? It seems very complicated to me.

Senator McKELLAR. Very.

Mr. SEARS. Are you referring to the system of general cooperation, or temporary financing?

Senator LODGE. I do not see why we have to go through the elaborate system of your spending the money and having to be reimbursed and come up here for a deficiency.

Senator HAYDEN. Here is the State of Arizona or Tennessee, or the State of Massachusetts, who are interested in getting an increased water supply, and they say, "All right, if you will do this work we will pay our share." That is a simple proposition. If the States were a little slow in making payment, we pay for all of it, but the half is to be paid by the State.

Senator LODGE. Sometimes.

Senator HAYDEN. And in 6 months according to this provision.

Senator LODGE. Well, while the project is going on it is possible the total cost is to be paid by the Federal Government.

Senator HAYDEN. Yes. Take in the case of the War Department, the most expert agency in making topographic maps is the Geological Survey, and the War Department says, "We are very anxious to have this particular area mapped." We will go ahead and do it and be reimbursed.

Senator LODGE. But my point is it is not apparently necessary for the Geological Survey to come in—

Senator HAYDEN. This is the first time it has come and it would not be necessary if we had passed the Interior appropriations bill in time.

What to my mind is a cure of the thing would be by what Mr. Wathen stated if we had a little swing fund, it could be avoided in two ways, one, by passing the Interior Department appropriations bill early in the Congress and make immediately available the fund. It can be cured that way, or could be cured by making the appropriation a little larger than necessary.

Senator LODGE. Was the Interior Department appropriations bill unusually late this year,

Senator HAYDEN. Yes; awfully late.

Senator LODGE. How should this come up this year?

Senator HAYDEN. If the Interior bill had been passed in February or March, which is usually the case, we would have said the money shall be immediately available. That is the usual way.

Senator LODGE. Why was the Interior Department bill so late this year?

Senator HAYDEN. The answer is the same.

Senator LODGE. Was it due to the fact and not due to the fact the cooperative agencies are doing more work?

COST OF OPERATIONS HAS INCREASED

Senator OVERTON. Pardon me, but I understood him to say the cost of operations has increased.

Mr. SEARS. It is true, sir, that we have run out of funds a little earlier than usual because of a combination of circumstances, no one of which would have done it by itself.

We have had a lot of turn-over in our Accounting Division, little series of delays, a few days longer than usual in working out and making up the bills to each State. Some Federal repays have been later than usual. A great deal of the repay we could transfer to a lump sum in advance. If we know just what amount of work we are going to do and what men are going to work on any project for another Federal agency, we can get the fund transferred in advance and we do not have to pay out of our funds. For example, in the big job we are doing for the Air Corps, making reconnaissance maps all over the world, in north Africa and elsewhere, we pay from their funds; but, for instance, \$200,000 worth of repay work is in map reproduction for 50 or 60 other Federal agencies, and the cost of individual jobs cannot be accurately determined in advance. There are certain plant costs which have to be apportioned among the different jobs. We have dozens of those things to work out and all of that is time consuming and after we render the bill and either the State or Federal agency pays us it will take 4 to 6 weeks to get that through the Treasury and the General Accounting Office and finally set up to our credit.

Senator McKELLAR. Any other questions?

Senator LODGE. Has this been drawn by counsel for the Department of the Interior, so there is no doubt about it?

Mr. SEARS. It passed through our department budget office and through the Bureau of the Budget.

EXTENT TO WHICH STATES ARE REQUIRED TO CONTRIBUTE

Senator OVERTON. Do any States pay more than 50 percent?

Mr. SEARS. The legal requirement is not less than 50 percent.

Senator OVERTON. Not less than 50 percent.

Mr. SEARS. Not less than 50 percent, and wherever there is any extra cost, for example, if the job is a little more detailed than called for by our standards, or if the Federal Government's interest is less than that of the State, the latter must pay the extra cost.

Senator McKELLAR. Thank you very much.

BITUMINOUS COAL DIVISION

Senator McKELLAR. Here is an item of \$800,000 for the Bituminous Coal Division.

The communication from the President transmitting the Budget estimate will be inserted in the record at this point.

(The communication transmitting the Budget estimate is as follows:)

[S. Doc. No. 47, 78th Cong., 1st sess.]

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING SUPPLEMENTAL ESTIMATES OF APPROPRIATIONS FOR THE BITUMINOUS COAL DIVISION, DEPARTMENT OF THE INTERIOR, AND THE OFFICE OF BITUMINOUS COAL CONSUMERS' COUNCIL AMOUNTING TO \$800,000 AND \$16,000, RESPECTIVELY, FOR THE FISCAL YEAR 1943

THE WHITE HOUSE,
Washington, May 18, 1943.

THE PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress supplemental estimates of appropriations for the Bituminous Coal Division, Department of the Interior, and the Office of the Bituminous Coal Consumers'

Counsel for the fiscal year 1943, amounting to \$800,000 and \$16,000, respectively.

The details of these estimates, the necessity therefor, and the reasons for their transmission at this time are set forth in the letter of the Director of the Bureau of the Budget, transmitted herewith, in whose comments and observations thereon I concur.

Respectfully,

FRANKLIN D. ROOSEVELT.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., May 17, 1943.

THE PRESIDENT,
The White House.

SIR: I have the honor to submit herewith for your consideration supplemental estimates of appropriations for the fiscal year 1943 for the Bituminous Coal Division, Department of the Interior, and the Office of the Bituminous Coal Consumers' Counsel, amounting to \$800,000 and \$16,000, respectively, as follows:

BITUMINOUS COAL DIVISION—DEPARTMENT OF THE INTERIOR

For the Bituminous Coal Division, fiscal year 1943, in carrying out the purposes of the Bituminous Coal Act of 1937, as amended (15 U. S. C. 823-849), as further amended by the act of Apr. 24, 1943 (Public Law 40), and as further amended, to be supplemental to and merged with the appropriation under this head in the Interior Department Appropriation Act, 1943, and to be available for the same objects of expenditure, \$800,000, to continue available during the fiscal year 1944; provided, that this appropriation shall not be available for obligation unless and until there shall have been enacted a further extension of said act..... \$800, 000

OFFICE OF THE BITUMINOUS COAL CONSUMERS' COUNSEL

For the Office of the Bituminous Coal Consumers' Counsel, fiscal year 1943, in carrying out the functions thereof as created by the Bituminous Coal Act of 1937, as amended (15 U. S. C. 849 and 852), as further amended by the act of Apr. 24, 1943 (Public Law 40), and as further amended, to be supplemental to and merged with the appropriation under this head in the Independent Offices Appropriation Act, 1943, and to be available for the same objects of expenditure, \$16,000, to continue available during the fiscal year 1944; provided, that this appropriation shall not be available for obligation unless and until there shall have been enacted a further extension of said act..... \$16, 000

By the terms of House Joint Resolution 122, now pending before the Congress, the provisions of the Bituminous Coal Act of 1937 are proposed to be extended from May 24 to August 24, 1943, to give the House Committee on Ways and

Means an opportunity to consider H. R. 1454, which provides for the extension of the Coal Act for approximately 2 years beyond the termination of the present war, and H. R. 356, which provides for a permanent extension of the act and for certain changes in its administration.

The above estimates of appropriations will provide sufficient additional funds to permit the activities of both the Bituminous Coal Division and the Office of the Bituminous Coal Consumers' Counsel to continue unimpaired until August 24, 1943.

The foregoing estimates of appropriations are required to meet contingencies which have arisen since the transmission of the Budget for 1943 and their approval is recommended.

Very respectfully,

HAROLD D. SMITH,
Director of the Bureau of the Budget.

**STATEMENTS OF DAN H. WHEELER, DIRECTOR, E. BOYKIN
HARTLEY, ASSISTANT TO THE DIRECTOR; HOWARD M. GILLMAN,
CHIEF, ADMINISTRATIVE SECTION, BITUMINOUS COAL DIVISION**

Mr. WHEELER. Senator McKellar, I am Dan H. Wheeler, Director of the Bituminous Coal Division.

Senator McKELLAR. Yes.

Mr. WHEELER. This item of \$800,000 that the Budget Bureau has sent over is for the 90 days beginning on May 24 on the assumption that the bill now pending before the Senate and which has already passed the House will be approved.

It has been favorably reported, I understand, by the Interstate Commerce Committee of the Senate.

The amount there represents three times the current monthly expenditures plus \$26,000, which we need for an increasing rental item where we had to get out of one of our field offices which was in a Federal building, some additional equipment for statistical purposes, overtime pay provided for under the last bill passed by the Congress, and the remainder either for overtime in excess of 48 hours a week or for additional personnel to catch up on the backlog of work of the Division.

The total amount of this is \$800,000. The excess of the pro rata expenditure on a current basis is \$26,000.

Senator LODGE. That is in addition?

Mr. WHEELER. That is in addition to the current rate of expenditures.

Senator LODGE. That is occasioned by increases in cost of rent?

Mr. WHEELER. One item.

Senator LODGE. How much is that item?

Mr. WHEELER. Close to \$700 a month.

Senator LODGE. A 3-month term.

Mr. WHEELER. It would be \$2,100. Equipment for statistical, that is automatic I. B. M., \$7,500; overtime under the last approved act of \$10,000, or \$3,300 per month, and either overtime or new personnel for the purpose of eradicating the backlog of work, \$7,000 a month, \$21,000.

Senator McKELLAR. And these two items are dependent on the passage of the bill.

Mr. WHEELER. Let me correct myself. The amount above the current rate of expenditure is not \$26,000. It is \$41,000. I am sorry. I am glad I was able to correct that. It is \$41,000 in excess of pro rata cost.

Senator LODGE. You got me up to \$26,600.

Mr. WHEELER. I have gotten beyond that. Seven thousand five hundred dollars in international business machines, \$2,100 in one item of rent, \$10,000 in the last Overtime Act.

Senator LODGE. That is \$19,600.

ADDITIONAL PERSONNEL REQUESTED

Mr. WHEELER. That is \$19,600, and the balance of approximately \$21,000 or \$22,000. What we hope to use it for is additional personnel to catch up on the backlog of our work and to carry out some plans for expediting our work in the future. If the Coal Act is extended, it will probably have amendments in it that will require action by the Division on cost determinations on a more current basis than heretofore and, if that is so, we will have to have help to carry it out.

Senator LODGE. How many people will you want?

Mr. WHEELER. That will provide for about 50 additional people in the clerical grades.

Senator LODGE. And the purpose of those people is to bring your data up to date. Is that correct?

Mr. WHEELER. It is to get on a current basis; yes.

Senator McKELLAR. In what respect are you behind?

WORK NOW IN ARREARS

Mr. WHEELER. Under the Coal Act, one may apply for adjustment of prices under what we call section 4 II (D), and on those petitions in most cases it is necessary to hold a hearing. We have cases on which we have had hearings 3 or 4 months ago and they are not adjudicated. We have not been able to keep current on cases involving violations. This is true regarding investigations and the holding of hearings, and preparation of reports after the hearings. There is something of a backlog there.

Senator LODGE. Have you requested the House for this particular amount?

Mr. WHEELER. No, sir; this came up after the bill to which it is to be attached, in my understanding, had passed the House because of the fact that at the time that bill was before the House the extension of the Coal Act for a period of 90 days had not been taken care of by the House.

Senator McKELLAR. This was not submitted to the House?

Mr. WHEELER. Never has been.

Senator McKELLAR. Any other questions, gentlemen?

Senator LODGE. I have several more, Mr. Chairman.

Senator McKELLAR. All right.

Senator LODGE. Has this amount of \$41,000 been approved by the Budget?

Mr. WHEELER. Yes, sir.

Senator LODGE. Have you a letter or anything to indicate that?

Mr. WHEELER. You have the \$800,000—

Senator McKELLAR. This is included in the \$800,000?

Mr. WHEELER. Yes; the \$41,000 is included in the \$800,000.

Senator LODGE. I thought it was additional.

Mr. WHEELER. No; I am just explaining in this \$800,000 there is \$41,000 over and above 3 months' expenses at current rate of expenditures.

Senator McKELLAR. Any other questions? (No response.)

If not, we are much obliged to you.

OFFICE OF THE BITUMINOUS COAL CONSUMERS' COUNSEL

STATEMENT OF LUTHER HARR, BITUMINOUS COAL CONSUMERS' COUNSEL, WASHINGTON, D. C.

Senator McKELLAR. You have a budget estimate for \$16,000, Mr. Harr. Will you explain why it is necessary?

Mr. HARR. The Bituminous Coal Act, as amended, was scheduled to expire on April 26, 1943, and our appropriation for the current fiscal year was accordingly only computed to cover our expenses to that date. The act was extended for 30 days by joint resolution a few weeks ago. Another joint resolution extending the act for another 90 days, to August 24, has passed in the House, and will be considered by the Senate today. We at the present time are spending approximately \$15,000 a month in carrying on our agency. We had from the last appropriation a surplus set aside of over \$41,000, which together with the \$16,000 requested, will give us the approximate \$15,000 a month necessary to carry on until August 24, 1943.

We believe it is essential that the consumers be represented in this field. I think we have done a pretty good job in seeing that they got fair treatment as far as prices of coal are concerned.

We also played a prominent part in the campaign to see the country had sufficient coal in various sections, and we believe the coal situation is of such importance to the war effort that we should continue to function.

REASON FOR REQUEST FOR ADDITIONAL FUNDS

Senator THOMAS. Why are you out of money?

Mr. HARR. The last appropriation was only designed to carry us to April 24, the time set 2 years ago for the expiration of the act. We had this surplus of \$41,000 that we had saved from that fund, so that is the reason we need only the additional \$16,000.

PREVIOUS EXPERIENCE OF MR. HARR

Senator LODGE. Mr. Harr, what was your occupation before you came to this position as Bituminous Coal Consumers' Counsel?

Mr. HARR. I was at one time professor of finance at Wharton School of Finance and Commerce, University of Pennsylvania. I was secretary of banking, State of Pennsylvania, and treasurer of the city of Philadelphia. I have always lived in Pennsylvania.

WORK DONE BY COUNSEL TO PROTECT CONSUMERS

Senator LODGE. Can you say broadly what you have done for the consumer?

Mr. HARR. Yes. Under the act we are authorized to represent the consumer before the Coal Division of the Department of the Interior.

and before the Interstate Commerce Commission, in matters affecting coal freight rates. We are in constant touch with all matters before the Coal Division, and we present the position of the consumer in Coal Division administrative proceedings. The Coal Division acts as a quasijudicial body.

Senator LODGE. Who makes up that?

Mr. HARR. Mr. Wheeler, the gentleman who preceded me at this hearing.

Senator LODGE. What is his background?

Mr. HARR. That, I do not know.

Mr. BROUZ. He has been with the Government for a number of years. I think he was with P. W. A. before coming to the Coal Division.

Mr. HARR. They have a number of coal men in their organization, just as we have. We institute proceedings on behalf of the consumer when we get complaints that injustice is being done, and frequently, on our own initiative, without consumer complaints. We petition the Coal Division and they hold hearings. For example, when it appeared that the war was getting nearer to these shores, we petitioned the Coal Division to open hearings to establish maximum prices, so there would not be runaway prices in the coal market as we had in the last war. We brought this petition 6 months before Pearl Harbor.

It was on the basis of those hearings that a factual study was made of the coal situation through a hearing at which the operators were represented and the consumers were represented. Because the maximum prices of bituminous coal were fixed in a factual and systematic way, there has been less trouble in that field than in any other major commodity. I think this is because it was done in time, and done thoroughly.

Senator LODGE. I am glad to see somebody pitching for the poor consumer.

Mr. HARR. He needs representation.

Senator LODGE. You bet.

Mr. HARR. I think it would be a good thing if we had it for other commodities besides coal.

Senator McKELLAR. Well, if there are no other questions we are much obliged to you gentlemen.

The committee will now recess until 10:30 tomorrow morning.

(Thereupon, at 12:30 p. m., the committee adjourned until Friday, May 21, 1943, at 10:30 a. m.)



URGENT DEFICIENCY APPROPRIATION BILL, 1943

FRIDAY, MAY 21, 1943

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D. C.

The subcommittee met, pursuant to adjournment, in the committee room, the Capitol, at 10:30 a. m., Hon. Kenneth McKellar presiding.
Present: Senators McKellar, Hayden, Thomas of Oklahoma, McCarran, Overton, and Lodge.

OFFICE FOR EMERGENCY MANAGEMENT, WAR PRODUCTION BOARD

STATEMENTS OF DONALD M. NELSON, CHAIRMAN, AND FRANCIS R. CAWLEY, BUDGET OFFICER, WAR PRODUCTION BOARD

Senator McKELLAR. Mr. Nelson, I believe your item comes on page 3 of the bill, line 10, Office for Emergency Management. Is that it?

Mr. NELSON. That is right.

Senator McKELLAR. War Production Board?

Mr. NELSON. That is right, sir.

Senator McKELLAR. All right, sir, if you will tell us just exactly what your trouble is. The estimates were \$1,780,000, and the House allowed you \$1,250,000. What have you to say about it?

RESEARCH PROJECTS

Mr. NELSON. That is for research projects, sir.

Senator McKELLAR. Yes, sir.

Mr. NELSON. Now, of course, we would have liked to have had the \$1,780,000, because we have enough projects, of course, to justify that amount, but if you feel that it ought to be cut down for a month, we will have estimates in the next bill coming up, and we can get along.

Dr. Davis is here and can explain that. We can get along on that.

Senator McKELLAR. On the \$1,250,000?

Mr. NELSON. We will endeavor to do that, if you would like to have us do it.

Senator McKELLAR. You have just got a month and 10 days.

Mr. NELSON. That is right, sir.

Now, what we can do is, Dr. Davis can go right ahead and get his projects ready to go into the new appropriations.

Senator McKELLAR. I was just wondering if you could not stand a little further cut on that for the balance of the year and, say, make it \$1,000,000?

Mr. NELSON. It would hurt us, sir, if we had to.

Senator McKELLAR. Could you not readjust your lines for the new year's figures, the coming year, beginning July 1?

Mr. NELSON. Each day's delay in getting this appropriation means a delay of that much time, and some of these are very important items. It is just a day lost in getting at them. For example, there are any number of things that we have to do to be ready for emergencies. Let us take this whole alcohol situation. We use alcohol for explosive powders. We use alcohol now for rubber and we are making it from grain—from wheat.

Now, let us suppose that we have a crop failure this year and we do not have the wheat crop we expect, or do not have the corn we expect, and it becomes necessary to decide how we are going to make alcohol, whether we take it from food or from something else.

Now, what we do in this development project, sir, is take things like that and try to look ahead and see where we would get alcohol if we could not use wheat or we could not use corn.

Now, of course, you would say "Well, that will delay it"; but the delay, sir, means just that much. If we lose a day now, we have lost that day when the time comes that it would be finished.

Senator McKELLAR. All right, sir.

PRINTING AND BINDING

Now, the next item is for printing and binding. The estimates were \$834,000 and the House allowed you \$700,000.

Mr. NELSON. On printing and binding, sir, they cut us from \$834,000 to \$700,000, and that really cripples us. I do not know just why they cut it. I thought that we gave them full justification for it.

Senator McKELLAR. Just why is it necessary to have \$134,000 more for printing?

IMPORTANCE OF OVERNIGHT PRINTING SERVICE

Mr. NELSON. Well, sir, the thing is this: Now, we get out in this work of ours, numerous orders every day; amendments to orders that are necessary in order that we divert things from one channel to another because of its great importance in the war effort. We get out amendments to limitation orders; new limitation orders.

Now, we have worked up an overnight printing service so that industry can be informed immediately, and all industries informed. If we have to cut that out we will simply have to tell industry that we cannot give them this information; we cannot give you the news as quickly; you will just have to do without it, because Congress will not give us the money. Literally this is on projects that are extremely important now, Senator, and I am sure if you could see the urgency of these things you would realize that I am not coming to you for money that we could do without.

PRINTING IN CONNECTION WITH COLLECTION OF SCRAP COPPER CAMPAIGN

We need to collect copper right now; copper scrap. There are copper ash trays, dozens of things of one kind or another in the homes. Now, we have to work out a salvage campaign to get that

copper in. If we are going to use the post offices, if we are going to have a receptacle in the post offices, it is necessary for us to have printing to tell the public where to go, and the receptacle for depositing it—the whole thing has to be organized in a campaign where we have to get 130,000,000 people interested in giving us their copper so that we can make more ammunition.

Copper production is going down.

Senator McKELLAR. Let me ask you about our supplies from South America. Are the sea lanes open?

Mr. NELSON. Yes, sir. We are getting all of the copper we can from South America. We are getting all we can and we have got new projects coming in there all of the time. We are expanding our copper production here.

On this copper, our need for ammunition is much greater than our supply. We are developing the projects. We have a shortage of manpower.

This summer we fear that our production will go down because of the shortage of manpower. We are working with the War Manpower Commission to get help, but we have got to keep up this flow of copper coming in so that we can get this ammunition for all over the world, for our fighting forces. We are ready to start this salvage campaign right away, but we cannot do it if we do not get the money. We will just have to postpone it for a month. I really believe that that would be very bad, or I would not be coming to you and asking for this increase in this item.

LUMBER PRODUCTION

Senator McKELLAR. What is the next item?

Mr. NELSON. The next item is an amendment to the bill transferring to the Forest Service \$100,000, and that, sir, is for the purpose of working with the lumber industry to stimulate the production of logs and lumber. I am sure that with your interest in lumber, you know how important it is that we insure an adequate supply of lumber so that we shall not continue to have the situation we have right now.

We have a shortage of lumber. Because of that shortage we are taking it many times green, right from the mill, instead of allowing it to dry, and that is a waste.

Now, we want to develop this lumber supply. We want to develop it through the small lumber people down through the South and through the West. We want to develop adequate production of lumber so that we can take care of any emergency situation.

PRINTING AND BINDING

Senator McKELLAR. You feel that you have to have this extra \$134,000 for printing?

Mr. NELSON. I do, sir. I think it is very important.

Senator McKELLAR. So as to get the information out as soon as possible?

Mr. NELSON. That is right, sir. We can give you the full details if you would like to have them as to just how it is to be expended.

BACKLOG OF RESEARCH PROJECTS

Mr. CAWLEY. Mr. Chairman, I should like to include in the record three exhibits: The first of these will show our backlog of Research Projects amounting to \$1,833,000. We will make our selections from these within the limitation of \$1,250,000. This exhibit will show the selections we propose to make.

(The exhibit referred to is as follows:)

Office of Production Research and Development—backlog of research projects available for obligation in fiscal year 1943 and selection of projects to conform with the reduced estimate

METALS AND MINERALS BRANCH

	Backlog	Selection
Current projects that should be renewed before June 30, 1943:		
Extraction of alumina from clays by the lime-sinter modification of the Pedersen process; Tennessee Valley Authority; expiration date May 15, 1943; work will not be finished by May 15, 1943, and should be extended by the amount of	\$15,000	\$15,000
Mica splitting; Armour Institute of Technology; expiration date May 15, 1943; is estimated to require the additional amount of	20,000	20,000
Furnace and process, for making magnesium by the ferrosilicon method; Surface Combustion Co.; contract expired June 30, 1943, but will run out of funds before then and should be extended by the amount of	15,000	15,000
Ferrosilicon method of producing magnesium	50,000	50,000
Sources and uses of powdered metals and alloys	20,000	0
Improved weldability of high-strength alloy steels	25,000	25,000
Testing, grading, classifying of mica	15,000	15,000
Furnace for magnesium by the ferrosilicon method	50,000	50,000
Nodulizing iron ore; utilization of cement kilns in nodulizing	30,000	21,000
New projects:		
Lead coating of steel sheet, wire, etc., utilizing salvaged antimonial lead, and containing only minor amount of tin	25,000	13,000
Treatment of used brass cartridge cases, particularly to remove antimony contaminants	20,000	20,000
Recovery of tantalum from Belgian Congo tin slags; work to be done in a small pilot plant by Fansteel	15,000	15,000
Increased top pressure of iron blast furnace to increase production	125,000	10,000
Utilization of lower quality diamonds for octahedrons now used in thread cutters	20,000	7,000
Production of steel cylinder heading for aircraft engines from wrought tubing	50,000	25,000
Problems of reclamation of turnings, borings, etc., of plain-carbon, low-alloy steels, and other metals	50,000	35,000
Development of automatic equipment to gage and sort mica film by thickness	25,000	15,000
Development of methods for casting of magnesium, aluminum, and bronze by static, centrifugal, and precision-casting methods	75,000	25,000
Development of methods for production of metals for rapid generation of hydrogen	25,000	-----

CHEMICAL INDUSTRIES BRANCH

Motor fuel additional	\$110,000	\$100,000
Acetylene	56,000	56,000
NO (nitric oxide)	25,000	25,000
Coke	12,000	12,000
Chlorine	20,000	20,000
Oxygen	45,000	45,000
Benzene	20,000	20,000
Cresols	10,000	10,000
Reducing agents	5,000	5,000

Office of Production Research and Development—backlog of research projects available for obligation in fiscal year 1943 and selection of projects to conform with the reduced estimate—Continued

INDUSTRIAL PROCESSES AND PRODUCTS BRANCH

	Backlog	Selection
Industrial processes:		
Extension of present study of the "lost-wax" process of precision casting, including pilot-plant work	\$50,000	\$25,000
Continuation of investigation of new welding techniques for ferrous and non-ferrous materials (at request of Office of Scientific Research and Development and National Advisory Committee for Aeronautics)	50,000	25,000
Lamination of lumber	20,000	20,000
Extrusion of ferrous alloys	30,000	30,000
New methods of forming ship plates	15,000	15,000
Reduction of percentage of scrap when processing critical materials	30,000	30,000
Miscellaneous processes such as chrome plating of cutting tools, extension of diamond die studies, etc.	50,000	30,000
Industrial products:		
Motors for reaction engine	50,000	40,000
Diesel engine investigation	50,000	40,000
Specific production problems of existing plants:		
Electronic control of production processes	50,000	
Statistical methods for control of quality	15,000	15,000
Investigation to determine possibility of reduction in use of critical materials through studies of reasons for differences in percentage of rejections in various plants	40,000	20,000

CONSUMER PRODUCTS BRANCH

Domestic bamboo reinforcing for concrete to save steel	\$20,000	\$15,000
Alfred Schwarz dry-cell battery using 50 percent less zinc	5,000	5,000
Substitute pressure pipes—ceramics, concrete, plywood, glass and paper—to save steel	35,000	20,000
Grosvenor Atterbury system of precast concrete for war emergency housing	10,000	8,000
Laboratory tests for home dehydrators	10,000	2,000
Paper wall board with vapor seal and high insulating value for war emergency housing	40,000	25,000
Small ceramic space heater to save steel	15,000	10,000
Radiant heating in emergency housing to save fuel	20,000	20,000
Nonmetallic plumbing materials	20,000	20,000
Non- or minimum-metallic range	5,000	5,000
Fuel conservation in home—insulation, cheap, easy storm sash, air leakage, furnace revamping	50,000	20,000
Lignin plastic development for consumer products	60,000	40,000
Plastic unwoven textile developments as substitutes for wool cloth	35,000	21,000
Leather substitutes for civilian shoes	30,000	30,000
Victory furniture, knock-down type using minimum materials	10,000	10,000
Light cement developments to improve insulation and extend materials	20,000	20,000
Glass for inside house partitions, furniture, household accessories, sheet and molded glass	25,000	20,000

SUMMARY

Metals and Minerals Branch, 19 projects	\$670,000	\$376,000
Chemical Industries Branch, 9 projects	303,000	293,000
Industrial Processes and Products Branch, 12 projects	450,000	290,000
Consumer Products Branch, 17 projects	410,000	291,000
Total	1,833,000	1,250,000
Original request	1,780,000	

PRINTING AND BINDING

Mr. CAWLEY. The second exhibit will show you those programs we cannot continue if our deficiency printing appropriation is not reinstated.

Senator McKELLAR. Have you got a list of those?

Mr. CAWLEY. I have them, sir, but I have a correction to make before I put the exhibit in the record.

(The correction referred to is an increase of approximately \$10,000 per month in the overnight printing based on the April bill just received. This will increase the estimated cost of printing for the month of April shown on page 51 of the hearings before the House Subcommittee on Appropriations.)

Senator McKELLAR. Will you send them down for the record?

Mr. CAWLEY. I will be glad to do that.

Senator McKELLAR. I wish you would.

(The exhibit referred to is as follows:)

WAR PRODUCTION BOARD, PRINTING AND BINDING, FISCAL YEAR 1943

Balance available May 1, 1943

Appropriation	\$1, 287, 000
Estimated supplemental	700, 000
Total	1, 987, 000
Obligations, Apr. 30, 1943	1, 748, 484
Balance available May 1, 1943	238, 516

Requirements, May and June 1943

	May	June	Total
War production drive	\$12, 570	\$10, 500	\$23, 070
Salvage for victory	9, 750	15, 000	24, 750
Information division	9, 200	20, 000	29, 200
Priority orders and forms:			
Overnight	95, 000	95, 000	190, 000
Other	10, 040	16, 800	26, 840
War production news	15, 000	15, 000	30, 000
Other	31, 400	16, 900	48, 300
Total requirements	182, 960	189, 200	372, 160
Anticipated deficit			133, 644

NOTE.—Since the bulk of the May commitments have already been obligated, most of our printing would have to be discontinued at once. The balance for June would not meet our overnight printing service.

WAR PRODUCTION DRIVE

May:

Leaflets for Flag Day	\$600
Booklet, Aims of the War Production Drive	500
Absenteeism poster	2, 400
"A Good Soldier Sticks to His Post"	1, 400
"Don't Let Absenteeism Bug Bite You"	875
Placards, Absenteeism	2, 945
Booklet, Absenteeism Bug	3, 000
Absenteeism streamers	850

Total, May

\$12, 570

June:

Leaflets on facilities utilization	\$900
Streamers, "More Production"	850
Posters:	
Suggestion program	1, 200
Relation of job to the fighting front	1, 200
"Teamwork"	1, 200
"More Production"	1, 200
Pamphlets on greater use of war production drive techniques	3, 950

Total, June

10, 500

Total

23, 070

SALVAGE FOR VICTORY

May:		
Leaflets on copper salvage-----	\$3, 000	
Newspaper mats on copper salvage-----	2, 500	
"Official Salvage Depot" signs-----	2, 500	
Announcements for radio use on copper salvage-----	1, 750	
Total, May-----		\$9, 750
June:		
Revised leaflet on tin-can salvage-----	\$5, 000	
Manual on methods of industrial salvage-----	10, 000	
Total, June-----		15, 000
Total-----		24, 750

INFORMATION DIVISION

May:		
Poster, "Time Saved on Your Job Saves Lives on His"-----	\$1, 200	
Booklet, "Explanation of the Controlled Materials Plan"-----	8, 000	
Total, May-----		9, 200
June: Campaign on conservation of household appliances (estimated cost)-----		20, 000
Total-----		29, 200

PRIORITY ORDERS AND FORMS

Overnight printing extended at present going rate for remainder of fiscal year.

Other:

May:		
PD 200, application for priority assistance-----	\$5, 000	
PD 333, request for emergency assistance-----	540	
"Priorities"-----	3, 300	
CMP instructions for manufacturers-----	1, 200	
Total, May-----		\$10, 040
June:		
CMP 4, application for allotment of controlled materials-----	\$7, 500	
CMP 4b, controlled materials plan, class B products-----	4, 500	
CMPL 150a, 200a, and 201a, increases and decreases in controlled materials allotments-----	1, 300	
"Priorities"-----	3, 500	
Total, June-----		16, 800
Total-----		26, 840

WAR PRODUCTION NEWS

The present going rate is extended for the remainder of the fiscal year.

Other:

May:		
Standard classified list of commodities-----	\$10, 500	
Product assignments-----	3, 200	
Accounting installation for controller division-----	2, 700	
Ordinary stock printing-----	15, 000	
Total, May-----		\$31, 400
June:		
Ordinary stock printing-----	10, 000	
I. B. M. cards for tools division-----	6, 900	
Total, June-----		16, 900
Total-----		48, 300

COOPERATION—WAR PRODUCTION BOARD AND FOREST SERVICE

Mr. CAWLEY. Finally, I should like to include a letter dated January 28, 1943, addressed to Mr. Lyle F. Watts, Chief of the Forest Service, Department of Agriculture, signed by J. Philip Boyd, Director, Lumber and Lumber Products Division, War Production Board, which sets forth the program which we will operate in conjunction with Forest Service, and states the various objectives and programs. This has the approval of the President and was referred to in his release of February 26, 1943.

Senator McKELLAR. You may put that in the record.

Mr. CAWLEY. Yes, sir.

(The letter referred to is as follows:)

JANUARY 28, 1943.

Mr. LYLE F. WATTS,

Chief of the Forest Service,

Department of Agriculture, South Agriculture Building.

Subject: Cooperation on forest products production between the War Production Board and the Forest Service, Department of Agriculture.

DEAR MR. WATTS: For the successful prosecution of the war it is absolutely essential that lumber production be maintained at the highest possible limit. Any practical means of stimulating or increasing production of lumber and other needed forest products must be employed. It is the function of the War Production Board to initiate, supervise, and consummate such action.

However, the cooperation and assistance of the Forest Service is essential to bringing many of these projects to a successful conclusion. Your assurance is requested that the Forest Service will cooperate with the War Production Board, Lumber Division, in executing any of the measures outlined below, where the Forest Service is better equipped to perform such service. It is understood, of course, that the Forest Service will provide only such service as is within the limit of its facilities, including such expansion of facilities as the War Production Board shall finance for this purpose.

As the primary purpose at this time is a joint determination to promote the war effort, the undertaking of such projects or actions under this agreement shall be confined to the duration of the war. Outlined below are the functions which shall be performed by the War Production Board or by the Forest Service in certain instances, at the Board's request under the conditions stipulated above:

1. *Advisory service to industry.*

(a) Assist timber operators and owners to secure firm contracts for their output at a fair price and thereby establish a basis for adequate credit mainly through private channels.

(b) Provide advice and information as to specifications and types of production needed to meet the requirements for war and essential needs.

(c) Explain orders and regulations issued by the War Production Board and other governmental agencies to provide for more effective compliance.

(d) Advise and instruct loggers and other operators in the use of Government forms for obtaining preference ratings for needed operating and maintenance equipment and repair parts.

(e) Aid in the placement of unusual war or essential civilian lumber orders.

2. *Technical service.*

(a) Help plan the development of and assist in presenting the need for access and other logging roads under the Access Roads Act and otherwise.

(b) Advise and encourage increased use of so-called inferior and more available species in the place of less available species, whenever justified by technical findings.

(c) When establishment or modification of ceiling prices are deemed necessary to obtain factual data and information needed.

(d) Provide engineering consulting service for the most efficient and economical logging and milling techniques.

(e) Supervise timber marking and harvesting on private estates where cutting without technical supervision is not now permitted.

(f) Make mutually available all information at the disposal of the Forest Service and the War Production Board, Lumber Division, and their respective field representatives engaged in the activities mentioned.

3. *Cooperative service.*

(a) In cooperation with the United States Employment Service and the War Manpower Commission, aid in locating and transporting labor for the industry.

(b) In cooperation with the United States Employment Service and the War Manpower Commission, aid in obtaining greater employment of women in the industry.

(c) In cooperation with the War Manpower Commission and the Office of War Information provide information and make patriotic appeals to management and labor to obtain greater production.

(d) Locate stumpage for existing operations and put operators in touch with owners of merchantable forest products, utilizing as far as possible the cooperation of state foresters and state extension foresters.

(e) In cooperation with the Selective Service System help to present the draft deferment needs of logging and milling operators before local selective-service boards.

(f) In cooperation with other appropriate Government agencies, help to present the needs of logging and milling operators before local ration boards for tires and other rationed articles.

4. *Specific projects.*

The War Production Board has found it necessary to already inaugurate several programs dealing with specific production requirements, i. e. aircraft lumber, etc. These projects call for either stimulated existing production or in many cases an entirely new conception of the production of a particular species of wood. This is a highly technical job, involving much work in the field along the lines that the Forest Service is well qualified to do. An example of such a problem is that involving southern yellow poplar aircraft lumber and veneer which is quite well along now under direct War Production Board action. On similar projects the Forest Service may be asked to assume the responsibility for consummation of the production objective insofar as the following functions would be concerned.

(a) Full investigation and information of: (1) The suitability of the wood for the purpose intended. (2) The availability of the raw material supply. (3) The manufacturing facilities available. (4) The manufacturing facilities needed, if any. (5) A definite recommendation as to whether the program should be undertaken or not.

(b) If undertaken, responsibility for making available timber supplies, manufacturing facilities, and other implements of a physical nature.

(c) Promulgate any necessary specifications of a special nature.

(d) Educate the industry in securing such specifications by proper use of raw material.

(e) Provide any technical information to the industry which is required by them in their production problems.

(f) If financial aid is necessary, decide in agreement with the War Production Board, Lumber Division, which form of financial aid is needed and assist in implementing such decision. This might take the form, as circumstances require, of log or lumber pools, direct financial aid to manufacturers, logger or timber owners. Existing manufacturing facilities would always be utilized but might involve relocation. Funds of the Government Financing Agency, best suited to the circumstances shall be used. Neither the War Production Board nor the Forest Service will operate manufacturing facilities.

Your organization has been providing accurate and invaluable information to the War Production Board, Lumber and Lumber Products Division. We feel sure that the expansion of this cooperation as outlined in this letter provides the best possible means of meeting the many production problems affecting the forest products industry.

Yours very truly,

J. PHILIP BOYD,
Director, Lumber and Lumber Products Division.

POSSIBILITY OF ABSORBING THE \$134,000 FROM OTHER FUNDS

Senator McKELLAR. Let me ask this gentleman this question: Would there be any way of taking your entire appropriations; would there

be any way of absorbing that \$134,000 and using those funds for which you are asking these appropriations?

Mr. NELSON. I do not know how, sir, because they are so tight.

LIMITATION ON PRINTING PREVENTS TRANSFER OF FUNDS

Mr. CAWLEY. Mr. Chairman, there is a limitation on printing which has made it impossible this past year to transfer any savings from other objects to printing.

Senator McKELLAR. That is a statutory limitation?

Mr. CAWLEY. Yes, sir; there is a statutory limitation on printing.

There is the same sort of a limitation on travel and our research projects.

Senator McKELLAR. Yes; I remember that, but I did not remember about the one on printing. I remember the one on research and travel.

Well, these are the only two items you care to present?

Mr. NELSON. That is right, sir.

Senator McKELLAR. Now, do any of these other gentlemen want to make a statement in connection with this?

Mr. NELSON. Well, if there is any information you would like to have, we have some men here who can give it to you in full.

Senator McKELLAR. I think we have got the main points. You testified before the House committee?

Mr. NELSON. Yes, sir; we did. We justified these before the House committee.

Senator McKELLAR. Except this amendment for \$100,000?

Mr. NELSON. Except this \$100,000.

Senator McKELLAR. That you want to use?

Mr. NELSON. In connection with this lumber program.

Senator McKELLAR. Did you have a hearing on that in the House?

Mr. NELSON. No, sir; not on that. We just mentioned it to them and told them that it was coming.

Senator McKELLAR. You told them that the thing was coming, but you did not go into it?

Mr. NELSON. That is right, sir.

Senator McKELLAR. There is some evidence about it in the House hearings?

Mr. NELSON. That is right, sir. We mentioned it and told them that it was coming, but we were not quite ready to present it. We have since sent to them full information on it.

LUMBER FOR VEGETABLE CRATES

Senator HAYDEN. If I may interrupt for a moment, Mr. Chairman. An interesting angle with respect to this lumber problem is lumber for vegetable crates. I was home in November and December and saw great fields of lettuce going to seed. Five hundred carloads of winter vegetables were not shipped out of the Salt River Valley because they could not get boxes to put them in.

Mr. NELSON. And, we were just trying to do everything we could to remedy the situation.

Senator HAYDEN. They used to be able to saw a whole log into lumber and make boxes from that lumber and then the price of

lumber went up so that they were only able to take the slabs off the side and use that for these crates.

Senator McKELLAR. The slabs?

Senator HAYDEN. Yes; and then the Army tried the scheme of sending them in paper boxes, you remember.

Senator McKELLAR. Yes.

Senator HAYDEN. Well, they got so saving with paper that they would not put labels on the cans, and these paper packages went to Alaska and they went to the South Seas, and they just melted, and they did not know what was in the cans. Then, the Army insisted upon wooden boxes. They took all of the wooden boxes that they could get and there were not any wooden boxes left for the fruit and vegetables to be shipped in.

Senator McKELLAR. You lost how much?

Senator HAYDEN. We lost 500 carloads of vegetables after they were ready to ship. They could not find any boxes to put them in. When a vegetable is ready, it is ready.

Senator McKELLAR. Mr. Nelson, is there any way of preventing that kind of a thing happening again? Now, we have somewhat the situation or we are in somewhat the same predicament about strawberries in western Tennessee. They are packed in wooden boxes; just little wooden boxes, made out of scrap lumber; but they cannot be shipped any other way.

Mr. NELSON. That is right.

Senator McKELLAR. So I am advised.

Mr. NELSON. Yes, sir.

Senator McKELLAR. And, they are having some trouble about that.

Mr. NELSON. Well, we are trying to make every provision and we are making every provision we can to get all of the crates necessary to handle this food crop, because we realize that it is all of great importance. If we grow the vegetables, and then cannot ship them, we are in a terrible state.

Senator McKELLAR. We are.

Mr. NELSON. And it looks now as if we can handle it, but we want to build up our lumber stock, so that when these important emergencies come on we will be able to take care of them.

It looked from previous tests as if the paper carton would work. When it was put to the final test it just did not work. Therefore we had to go immediately back to wood. Of course we have to supply the Army and there was a timber-crate shortage. I think we are going to be able to have them this year.

Senator McKELLAR. So that you could get by without a loss such as Senator Hayden just mentioned?

Mr. NELSON. Yes, sir.

Senator McKELLAR. That 500 carloads is a very large amount.

Mr. NELSON. That is a terrific loss to our food supply.

Senator HAYDEN. They just could not harvest the lettuce and you could see it going to seed in the fields.

Senator McKELLAR. You have, I suppose, research workers who are working on this thing now?

Mr. NELSON. Oh, yes; all the time, sir. We have a Lumber Division that is doing the job of trying to anticipate situations and get out the lumber. We are working with the Manpower Commission.

They are doing some very good work in increasing the supply of lumber right at the present time by getting people back into the woods.

Lumber has been very short and the farmers have not been able to get the lumber to build additional poultry houses or pigpens, or storage for their grain.

Of course what we are trying to do is to build up this lumber supply so that we will not have that situation.

Senator McKELLAR. All right, sir. Is there anything else?

Mr. NELSON. That is all.

Senator McKELLAR. We thank you very much, Mr. Nelson.

Mr. NELSON. Thank you very much, Mr. Chairman.

DISTRICT OF COLUMBIA

STATEMENTS OF WALTER L. FOWLER, BUDGET OFFICER, AND WILLIAM G. WILDING, DEPUTY BUDGET OFFICER

Senator McKELLAR. The next is under the District of Columbia. Mr. Fowler, will you give your name and introduce the witnesses whom you wish to appear?

Mr. FOWLER. Walter L. Fowler, District of Columbia Budget Officer, and William G. Wilding, Deputy Budget Officer; and we will call the witnesses as we go along.

Senator McKELLAR. Yes.

CONTINGENT AND MISCELLANEOUS EXPENSES

POSTAGE

The first item is postage.

Mr. WILDING. The first item is for postage.

Senator McKELLAR. Go ahead. That is not in the bill?

Mr. WILDING. These items are not in the bill.

Mr. FOWLER. These items should be added to the bill.

Senator McKELLAR. Did you go before the House committee on these?

Mr. FOWLER. No, Senator; we did not.

Mr. WILDING. We did not have these quite ready in time for that deficiency bill on the House side, sir, and there were certain items that were held up in forwarding and we just missed by a couple of days getting them up in time for the House Appropriations Committee. We seek always to present these items in the regular way to the House committee, but in this case we just missed it by a couple of days.

Senator McKELLAR. So on all of these items you have Budget estimates which have been sent down by the President, but they are additional items that did not go before the House committee at all?

Mr. WILDING. That is correct.

Senator THOMAS. Why cannot these be withheld until the District bill comes before us?

Mr. WILDING. These are for the most part, Senator Thomas, in the nature of deficiency items for 1943 and for 1942 and prior years. They are not—they are items which ordinarily would—

Senator McKELLAR. How could they be for 1942 and prior years?

Mr. WILDING. They are, Mr. Chairman, for 1942 and prior years.

We have several deficiency items in here which are strictly deficiency items—I mean for prior years, as well as for the present year, 1943.

Senator McKELLAR. Well, I do not see how they could be for prior years. Do you not clean up every year?

Mr. WILDING. We always have some hanging over for a couple of years. We have some which run back to 1937, 1938, and 1939.

Senator McKELLAR. When did you get those items?

Mr. WILDING. I will particularly mention them, sir.

Senator McKELLAR. Yes; the first one is an item on postage.

Mr. WILDING. That is an item for which we got an appropriation in the District of Columbia 1943 Appropriation Act of \$23,700. That amount has been entirely expended. Our postage requirements have been somewhat in excess of what we anticipated at the time of submitting that estimate.

Senator McKELLAR. Do you not allot it?

Mr. WILDING. We allot; yes, sir; and we are very careful. We endeavor in every way to keep the postage expenditures within the allotments. This year, however, we were confronted with certain new items which had not been foreseen—the Rent Control Administration and a number of other new items—and we need in order to finish the service of this fiscal year \$4,000, which is the amount we have submitted. We had estimates considerably in excess of that.

Senator McKELLAR. That would be at the rate of \$48,000, instead of \$23,000 per year?

Mr. WILDING. We actually need this for the month of May, as well as for June. Our postage appropriation has been completely exhausted since the 1st of May.

Senator McKELLAR. How do you operate?

Mr. WILDING. We have resorted to some expediencies down there in using money for postage for this month; moneys which were available for postage—which were available, and which could be used for postage, but which were not specifically appropriated for that purpose.

FRANKING PRIVILEGE NOT EXTENDED TO DISTRICT GOVERNMENT

Senator THOMAS. To what extent do you use the franking privilege?

Mr. WILDING. Senator Thomas, we have not the franking privilege; we have not had it since 1917 or 1918.

Senator THOMAS. Why was it denied to you; do you remember?

Mr. WILDING. If I may explain it off the record.

(Off the record.)

Senator THOMAS. Mr. Chairman, the District of Columbia being a purely Federal agency; being the seat of the whole Government with all of the States interested, it occurs to me that at least certain of your activities should be permitted the use of the franking privilege.

Mr. WILDING. Because we do not have the franking privilege, that comes as something of a shock to congressional committees to know that we have to pay for postage and, therefore, we run short. We have in ordinary years—

Senator THOMAS (interposing). Of course, that is for the District Legislative Committee to consider. It would not come before this committee anyway.

I was interested in knowing about it.

Senator McKELLAR. We would have to call in the Postmaster General, too, on that.

Senator THOMAS. Yes.

JUDICIAL EXPENSES

Senator McKELLAR. What about the judicial expenses?

Mr. WILDING. In the case of judicial expenses, that is a small amount which is appropriated each year. As for many years past, the amount in this year's bill was \$1,500, in the District of Columbia Appropriation Act, and that was for paying judicial expenses such, for example, as the cost of reporting services in reporting testimony in cases in which the District of Columbia is interested. That is for transcript of testimony to be used where the District of Columbia has to go to higher courts.

We have pending now four cases, very important cases, and the appropriation is completely exhausted. We anticipate——

Senator McKELLAR. How much did you have?

Mr. WILDING. \$1,500.

Senator McKELLAR. \$1,500?

Mr. WILDING. Yes, sir.

Senator McKELLAR. And this is for the last 2 months, or covers the whole year?

Mr. WILDING. More than that. It is for the whole year, because the amount which is carried in the regular annual appropriation act is carried in the nature of a small amount—it is a small tentative amount, and when large cases come up we always have to seek deficiencies. One year I think we sought and obtained a deficiency of \$4,800. We got an amount in the deficiency far in excess of the small amount carried in the annual appropriation bill.

Senator OVERTON. The regular appropriation has always carried about \$1,500?

Mr. WILDING. Yes, sir. You will remember that was a small amount, and then when the cases are definitely on the calendar of the court and in the opinion of the corporation counsel those cases will come up for hearing in this present term, we need this additional money to pay for the necessary reporting services in those four cases.

Senator McKELLAR. You just have a month and 10 days to go.

Mr. WILDING. Yes, sir. I checked up on this as late as this morning at 10 o'clock, to make sure that this was still a proper statement of fact and that the cases were still coming up in this term of court.

GENERAL ADVERTISING

Senator McKELLAR. The next is general advertising.

Mr. WILDING. That is strictly an out-and-out deficiency item for general advertising which was required by law and the bill apparently did not get in in time to be paid or to be obligated during that fiscal year. It did not get in in time. Prior to the time it was received the appropriation became exhausted.

This is for advertising which is required by law.

Senator McKELLAR. 1941—I do not see how it could escape that long.

Mr. WILDING. Well, this bill—the newspapers occasionally are slow in getting in their bills, and I assure you, sir, that this is a proper bill, one which is due and unpaid, for advertising which was required by law.

PRINTING AND BINDING

Senator McKELLAR. You have an item of \$8,200 for printing and binding.

Mr. FOWLER. Mr. J. Louis Gelbman is Chief of the Central Duplicating Division, and he will present that item.

STATEMENT OF J. LOUIS GELBMAN

Mr. GELBMAN. The need for this \$8,200 is made up because of the increase in the cost of work, materials, and so forth.

The increased cost of real-estate tax bills alone this year was over \$2,000.

The Municipal Court of Appeals, is a new institution with us this year. We did not know what they were going to require; how much they were going to require. We set up what we thought was a sufficient allotment of \$250, and so far they have gone to \$1,308 with approximately \$1,300 more that will be required to finish the work for the year on their opinions. Their work has been very heavy; their opinions have been running very heavy, and that jumped away up.

Senator McKELLAR. That is \$1,300 that you are asking for and then—

Mr. GELBMAN. I was just giving you a sketchy outline.

Senator McKELLAR. Of the various items?

Mr. GELBMAN. A sketchy outline.

We set up for the auditor an allotment of \$2,085 originally, and his expenses to date have been \$2,512, with \$1,946 worth of work yet to be completed for this fiscal year.

Vouchers and pay rolls, and changes in the forms for the Victory tax, and all of those things, are running the work away up.

The same way for executive offices.

Gallinger Hospital has been overburdened with a lot of necessary new forms to conduct their institution. We estimated that the total amount that the assessor would need to finish out will be \$4,799; the auditor, \$1,946; executive offices, \$830; Gallinger Hospital, \$855; Municipal Court of Appeals, \$2,415.

Senator OVERTON. How much is carried in the regular appropriations?

Mr. GELBMAN. The regular annual appropriation was \$69,000 for the fiscal year 1943, plus unexpended balances of the 1942 appropriation of \$1,515, making a total of \$70,515.

Senator OVERTON. You had no deficiency last year?

Mr. GELBMAN. No; but we did have \$1,650 of the 1943 appropriation made immediately available so as to avoid a deficiency.

Mr. WILDING. That was for 1942.

Mr. GELBMAN. 1942; but \$1,650 of the 1943 appropriation was made available for expenditure in the fiscal year 1942. That avoided coming in for a deficiency in 1942; \$68,865 was actually the amount expendable for the fiscal year 1943. At the time of preparing our

estimates for the fiscal year 1943 no increase in cost of printing and binding was contemplated in excess of the \$69,000.

With increased activities of the various departments of the District of Columbia Government, in comparison with the costs this fiscal year against last fiscal year—in some instances the costs have risen as high as 50 percent.

Senator McKELLAR. The O. P. A. has not put a ceiling on printing?

Mr. GELBMAN. No; they have not put a ceiling on printing with this exception, that they have said that the printer must charge for comparable work not more than he charged in March 1942, but when you go out on bids—

Senator McKELLAR (interposing). This is what is in my mind. From what you have testified, this seems to be largely as a result of increased costs by reason of increase in the work of printing.

Mr. GELBMAN. A lot of it; yes. Of course, only recently tax form bids went out. The first ones were not satisfactory and we sent them out the second time, and the bids were not any different the second time from what they were the first time. The increased cost is over \$2,000 this year for tax bills, as against last year.

Senator McKELLAR. You are paying more for the printing than you have heretofore paid?

Mr. GELBMAN. We are paying more for printing, commercially.

Senator McKELLAR. Are you not violating the O. P. A. Act?

Mr. GELBMAN. That would not be within my province to say whether we are or not. I am not attorney enough to pass on that.

Senator McKELLAR. I was just wondering.

Mr. GELBMAN. But, the bulk of it has been due to the increased activities of our departments and the creation of new departments; the Municipal Court of Appeals; increase of work of the Auditor's Office due to the Victory tax set-up and the new deductions, and so forth, necessitating a tremendous amount of new forms, and increased use of vouchers for payment of bills.

Those things have been increased tremendously this year over last year.

Most of this work, of course, we do ourselves, and our costs have not risen to any appreciable extent.

REFUND OF ERRONEOUS COLLECTIONS

Senator McKELLAR. Very well, sir. What is the next item?

Mr. FOWLER. The next is \$35,000 for refund of erroneous collections.

Senator McKELLAR. What were you allowed last year for erroneous collections, in the regular bill?

Mr. FOWLER. Mr. Wilding will answer that.

Mr. WILDING. \$75,000, sir.

Senator McKELLAR. And how much for the year before?

Mr. WILDING. \$68,000, I believe, sir.

Senator McKELLAR. Did you have a deficit in the \$68,000 year?

Mr. WILDING. That amount fluctuates from time to time. It was in 1942, which is the year you refer to, of course, when you asked?

Senator McKELLAR. Yes, sir.

Mr. WILDING. The regular annual appropriation was \$75,000 in 1942.

Senator McKELLAR. Did you have a deficit?

Mr. WILDING. Not for that year, but I will say, sir, I if might, that the year 1941 was a year when there were a large number of refunds of income-tax payments that had to be made. We had a total appropriation of \$238,000. The additional amount of \$170,000 was included in a deficiency bill, over the original \$68,000. I believe we got that year two separate deficiencies.

That was because of special conditions which had arisen in connection with the new law, income-tax law.

Senator McKELLAR. \$35,000 for 1 month in addition to a general appropriation for the year of \$75,000—

Mr. WILDING (interposing). Seems out of proportion, yes, sir; but—

Senator McKELLAR. Very much out of proportion.

Mr. WILDING. But may I say that these are amounts which have been accumulating for the last 4 or 5 months or more.

This appropriation has been exhausted for some time and these items which are pending, sir, are for various purposes; for the most part income-tax refunds because of claims of domicile in other than the District of Columbia, where payments were made; the claims for refunds were allowed.

AMOUNT OF REFUNDS READY FOR PAYMENT

Senator McKELLAR. Has the whole \$35,000 been adjusted and is it ready for payment?

Mr. WILDING. We have pending for the remainder of the year and had pending at the time this item came up, claims for refunds to the extent of \$25,333.69.

Senator McKELLAR. After paying all of the \$75,000 out?

Mr. WILDING. Yes, sir; that has been completely expended.

We have this morning in excess of \$3,000 more than this amount which I have just mentioned.

Senator McKELLAR. That makes \$28,000, and you anticipate you will need \$7,000 more?

Mr. WILDING. We anticipate that. In connection with that, for example, there was one item where we had a new law passed putting back on the tax-exempt rolls, and taking off of the tax rolls, certain property which had previously been on the tax-exempt rolls, and a committee was appointed to consider it, of which Mr. Fowler was chairman. That involves considerable money. We anticipate that there may be many refunds under that.

Senator THOMAS. How much are you asking for in the regular supply bill for the District of Columbia?

Mr. WILDING. One hundred thousand dollars in the 1944 bill. There may be a question as to whether that might be enough. But, at the moment, we have just requested \$100,000 in the 1944 bill.

Senator McKELLAR. That is before the House now?

Mr. WILDING. It is before the Senate Committee on Appropriations. We are awaiting hearings.

PAYMENT TO JOSEPH SHARFSIN

Senator McKELLAR. All right; the next is payment to Joseph Sharfsin.

Mr. WILDING. That is a case, Mr. Chairman, where the District of Columbia had a claim against a certain estate in Philadelphia, amounting to some \$70,000, and it was the opinion of the Corporation Counsel that we had about a 50-50 chance of recovering part of that money under the escheated estates law, and, in order to accomplish that, an attorney in Philadelphia had to be retained for the purpose. Mr. Sharfsin was paid as the result of an item carried in a deficiency bill.

Senator McKELLAR. What became of the case?

Mr. WILDING. The case was won by Mr. Sharfsin and the District of Columbia acquired assets of some \$70,000, and Mr. Sharfsin was given, under the agreement made by the Commissioners following this legislation by Congress, \$7,025. That was a percentage which was paid to him, under authority of an item appropriated through this committee in the First Deficiency Appropriation Act, 1941.

Senator McKELLAR. Seven thousand dollars?

Mr. WILDING. Yes, sir.

Senator McKELLAR. Is not that a pretty good fee?

Mr. WILDING. We thought so; but at the time, Mr. Chairman, if the District had been asked it would have been glad to pay a little more than that to get that case through, because at the time he was retained, the case was by no means considered easy; there was no certainty whatever about our recovery—there was great doubt about it. I said there was a 50-50 chance, but that was not a good chance. However, after the case was won and this money had been paid, there was an act passed by Congress last June in which the Commissioners were authorized to pay Mr. Sharfsin, in addition to the amount which had theretofore been paid him, 5 percent of the amount recovered by him, and that 5 percent has been determined by the auditor of the District to be \$3,472.39, which is the amount of the item here.

Senator McKELLAR. Is that in addition to what he had therefore been paid?

Mr. WILDING. In addition to what had therefore been paid.

Senator McKELLAR. I have the act here which reads:

[PRIVATE LAW 469—77TH CONGRESS]

[CHAPTER 446—2D SESSION]

[H. R. 6925]

AN ACT To provide additional compensation for Joseph Sharfsin, Esquire, for professional services rendered the District of Columbia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are authorized and directed to pay to Joseph Sharfsin, Esquire, of the Philadelphia (Pennsylvania) bar, 5 per centum of the amount awarded to and received by the District of Columbia in cause entitled "In re First and Final Account of Girard Trust Company, Trustee Under Deed of Trust of Helen M. Fink (now deceased), dated April 10, 1929", in addition to the compensation heretofore paid him for professional services rendered to the District of Columbia in said cause, and an appropriation for said purpose from any money in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated is hereby authorized.

Approved, June 23, 1942.

Of course, that ends that. We have to pay it. It seems to me that that is quite a food fee, although Mr. Sharfsin—

Mr. WILDING. He did a marvelous job in getting that money for us, Mr. Chairman. It was really a surprise to us, a pleasant one, of course. It was a very unusual case.

PUBLIC SCHOOLS

Senator McKELLAR. The next item is "Public schools," unless you have something more on that item.

Mr. FOWLER. Nothing further on that item.

Mr. Heinmiller, in charge of the school budget, and Dr. Chester W. Holmes, Assistant Superintendent of Schools, are here on that item.

HEALTH AND PHYSICAL EDUCATION

Mr. HEINMILLER. The reason for this request for a supplemental deficiency is because this is a part of the expenditure for health and physical-education program and money for 45 physical-education teachers was included by the House at the time the 1943 act was passed, but it was not until November and December that we were able to fully develop the program for health and physical education in the senior high schools as we felt it should be developed. This was after the 1944 estimates had been prepared and submitted to the Bureau of the Budget, so we submitted it to the Commissioners as a deficiency. Of this amount \$16,920 is requested for health and physical-education books—which is one book for each pupil—and \$12,730 is requested for supplies. This includes money for supplies for body-contact games and for building new obstacle courses in the high schools which we have started as a part of this program to toughen up these high-school boys who go into the Army almost immediately after graduation.

Senator OVERTON. Is this such an emergency item that it cannot be taken up before the regular subcommittee on the District of Columbia appropriation bill?

Senator McKELLAR. School will be out about the 1st of June. Why would it not be proper to bring the item before the subcommittee considering the District bill?

Senator OVERTON. I suppose that it is going to meet in a few days; is it not?

Mr. FOWLER. I think it could be.

Mr. WILDING. I think that that is an item which could be, and probably should be, considered by the committee on the annual appropriation bill.

We will be glad to do that if you so desire. This is simply a Budget estimate and presumably is pending before that committee as well as before this.

Senator THOMAS. Is this item in a similar bill which passed the House?

Mr. WILDING. No, sir.

Mr. HEINMILLER. No, sir; we have nothing at the present time, Senator; there is no money for this purpose.

Senator McKELLAR. This is new.

Mr. HEINMILLER. There is an item for textbooks and supplies, but not for this purpose.

Senator McKELLAR. This amount for textbooks will not be expended before the end of this fiscal year?

Mr. HEINMILLER. Approximately \$16,000 is for books on health and physical education—a health book for each pupil—and about \$12,730 for materials.

Senator McKELLAR. Well, you suggest that that go before the other subcommittee.

Mr. FOWLER. Very well; we can present it to the District Committee on appropriations.

HEALTH DEPARTMENT

STATEMENT OF DANIEL L. FINUCANE, SUPERINTENDENT, TUBERCULOSIS SANATORIA

MAINTENANCE, TUBERCULOSIS SANATORIA

Senator McKELLAR. The next item is——

Mr. FOWLER. "Tuberculosis Sanatoria." Dr. Daniel L. Finucane, superintendent, will justify that.

Dr. FINUCANE. We are requesting a supplemental appropriation of \$28,500 for "Maintenance" item for the current year to carry on the operation of the hospital for the rest of this fiscal year.

Senator McKELLAR. How much did you have in the general appropriation?

Dr. FINUCANE. \$288,750, sir.

Senator McKELLAR. This is about one-tenth of that amount.

Dr. FINUCANE. And of this total amount \$25,400 is because of increased food costs and the necessity for additional money for food.

INCREASE IN FOOD COSTS

During the current fiscal year we had a marked increase in practically all of our food items, with the exception of canned-food supplies, but the general average for the increase that we are paying has run approximately 35 percent; that is, figuring the various quantities that we buy of the various supplies.

INCREASE IN COST OF AVERAGE RATION

Our ration for the last fiscal year was 49.40 cents. Our average ration cost for the first 10 months of this current year is about 63.79 cents.

Senator McKELLAR. All right, sir. Is there anything else?

Dr. FINUCANE. That is all.

Senator McKELLAR. We will take up the next item.

COURTS

THE MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

SALARIES

The next is under "Courts."

Salaries: For an additional amount for personal services, including pay of retired judges, fiscal year 1943, \$5,464.14.

PAY OF RETIRED JUDGES

Mr. WILDING. This estimate, and the additional language we are requesting, reading "including pay of retired judges", is necessary in order to cover the retired pay of Judge Robert E. Mattingly, Municipal Court, who was retired effective August 1, 1942.

Under the provisions of section 11 (a) of the act approved April 1, 1942, the Municipal Court Act, it was provided that pay of retired judges shall be paid in the same manner as salaries of such judges.

The auditor has been informally advised by the Legal Division of the General Accounting Office that the appropriation for personal services of the judges should include the words "including pay of retired judges", or similar language, to take care of the present and future retirements and that they should be paid by a supplemental appropriation.

Senator McKELLAR. Have they not all been paid up to date?

Mr. WILDING. The active judges' salaries, yes, sir; but Judge Mattingly's retired compensation has not been paid. The money has not been paid because we have had no appropriation available for the purpose.

Senator McKELLAR. The appropriation for salaries of the municipal court for this present fiscal year is \$222,845. How much have you left?

Mr. WILDING. We have no money left in there that would be available for this purpose, because the savings which have accrued through vacancies during this year have been applied to the cost of increases under the Overtime Pay Act of December 22, which amounted to \$7,775.88. No money will be asked for that purpose in the item for overtime pay.

Senator OVERTON. Is a retired judge paid the same salary as he received while on the bench?

Mr. WILDING. It is on a formula, Senator Overton, based upon the number of years' service; relationship to the number of years' service to 30, as applied to the full pay at the time of retirement. In other words, if he serves 15 years he is retired at half pay.

Senator OVERTON. What is the maximum pay?

Mr. WILDING. His maximum pay cannot be more than he received while he was active. He can be retired up to the amount he received while he was serving, under the wording of the law.

PUBLIC WELFARE

Senator McKELLAR. The next item is under "Public welfare," \$750, for the acquisition of land.

Mr. FOWLER. Mr. Huff, general superintendent of penal institutions, will justify that item.

STATEMENT OF RAY L. HUFF, DIRECTOR OF PUBLIC WELFARE,
DISTRICT OF COLUMBIA

WORKHOUSE AND REFORMATORY

EXPENSES OF EVIDENCING OF TITLE TO CERTAIN LAND TO BE PURCHASED

Mr. HUFF. The item of \$750 is an increase over present available \$25,000 for the purchase of certain land at the workhouse and reformatory.

This requested change in language, principally the proviso is for the District of Columbia to acquire this land, and the request here is that it be acquired by the United States.

There has been some difficulty in tracing back the title on this particular piece of property and condemnation seems to be indicated. The \$750 is to take care of the expenses in connection with the evidencing of title and condemnation, and the language is for the purpose stated.

Senator McKELLAR. \$25,000 has been already appropriated to acquire this land. Could not that \$750 be absorbed in that sum?

Mr. HUFF. \$25,000 will take care only of the agreed price.

Mr. FOWLER. Senator, we had an agreement to purchase these number of acres of land, and that did not carry with it authority to condemn. When we went to carry out the agreement, although we had the money available, we found that the chain of title was in such condition that we could not acquire it by purchase. That necessitated our coming back and asking for authority to proceed with condemnation, and in condemnation we have always paid for the title. The cost will be about \$750 for the Federal Government to get the title to this land.

Senator McKELLAR. It seems to me to be a very large sum. I happen to have been a lawyer in my early years, and had a great deal to do with titles, and acquirement by condemnation, and every other kind.

Mr. FOWLER. For many years—

Senator McKELLAR. It seems to me that title, as to titles, abstract of titles, you have your attorneys already. They are employed regularly to do this work.

Mr. WILDING. No personal services are involved in that.

Senator McKELLAR. I do not see how the additional court costs in connection with the acquirement of one tract of land under these circumstances would require that much.

Mr. FOWLER. If it were one tract of land, it would not.

I have also had a lot of experience in condemnation cases. I thought that that was an excessive amount. We had bids to find out what it would cost to have these titles perfected. We found that these tracts were tied up in a great number of persons, running back many, many years, and it is so involved and so mixed up that the lowest bid we could get on it was \$700. We do not know what the Federal Government will have to do to get this title. It may not cost \$750, but it is estimated that it will cost \$750.

Senator THOMAS. Approximately how many parcels of land are there?

Mr. WILDING. It is one single tract of land, but it is made up of many parcels, to which—

Senator THOMAS. That is what I want to find out. You said that there were a great many tracts, and a great many might be six or seven, or it might be four or five hundred.

Mr. WILDING. It will all be one tract.

Senator THOMAS. I realize that.

Mr. FOWLER. It is divided up into parcels.

Senator THOMAS. How many parcels?

Mr. FOWLER. It is all in one ownership, but the ownership is not just to one parcel. My understanding is that it is divided up into separate parcels. For instance, a man may own a dozen different lots and the title to each lot would have to be searched.

Senator THOMAS. How many parcels?

Mr. FOWLER. I do not remember.

Mr. HUFF. The present ownership covers the 575 acres.

Senator THOMAS. If you have to bring the title down on a large number of separate items, that would account for the heavy expenditure. I thought that the record might show about how many parcels there are.

Mr. FOWLER. I can furnish that for the record.

Senator THOMAS. You could not estimate it?

Mr. FOWLER. I could not, Senator.

Senator OVERTON. There have been a number of different changes of title.

Mr. FOWLER. That is right.

Senator McKELLAR. The lawyers who deal in such matters, evidently, as well as title examiners, evidently make a great deal more money than they did in my day. There was not any such charges as this \$750 on a \$25,000 piece of property.

Mr. FOWLER. This property is located down in Virginia and conditions are a little different down in Virginia from what they are here in the District of Columbia.

Senator McKELLAR. I should think that the cost would be less in obtaining a title in Virginia than it would in the District of Columbia. I know something about the cost of titles.

Senator OVERTON. Is this the cost of a title examination or cost of condemnation?

Mr. HUFF. It includes both.

Senator McKELLAR. The court costs in condemnation could not be over \$25 under any circumstances.

Senator OVERTON. When are you going to institute the suit?

Mr. FOWLER. As soon as we get authority then we will request the Department of Justice to institute the suit. Just what they will charge, we do not know. We do not do this for property outside of the District of Columbia. The Department of Justice handles these matters outside of the District.

Senator OVERTON. It seems to me that it is an item that could be taken up in connection with the regular appropriation bill.

Senator McKELLAR. I should think so.

Mr. WILDING. That could be, but we seek to have the situation cleared up prior to the end of this year rather than to put it in the 1944 bill. This is one item that we believe ought to go into this bill. In so far as the money is concerned, it is a relatively small amount and the authority which we seek here also is that which we would like to get before the end of this year, continuing the \$25,000 available.

Senator McKELLAR. Of course, you could not do it before the end of the year. I happen to know enough about legal proceedings to know that.

Mr. FOWLER. It would probably take 6 months.

Senator McKELLAR. You could not do it before the 1st of July.

Mr. FOWLER. That is absolutely right.

Senator McKELLAR. That is why I suggest that it go in the regular bill.

Mr. FOWLER. I have no objection to that.

Senator McKELLAR. You have plenty of time. It would not delay you any.

All right, sir, is there any thing else about that item? If not, we will take up the next item, which is support of convicts.

SUPPORT OF CONVICTS

Mr. HUFF. This is the appropriation from which we pay for prisoners that board in the Federal Bureau of Prisons, and each year we have some variation between our estimates and the actual number held.

Senator McKELLAR. What did you have in the appropriation this year for that?

Mr. WILDING. This is a 1941 deficiency, sir, for which year there was appropriated \$120,730 in the District of Columbia Appropriation Act for 1941. That amount was supplemented by a further amount of \$4,020.89, contained in the Second Deficiency Act of 1941. The total amount available for that year, 1941, therefore, was \$124,750.89.

Senator McKELLAR. You thought you had settled up with them and now you have another bill?

Mr. WILDING. We have a further deficiency; yes, sir. They are bills which come to us from the Federal prisons, and sometimes they are quite late. This is for payment for prisoners at Alcatraz.

Mr. HUFF. Plus three vouchers for the marshal. One goes back to the year ended June 30, 1938.

Senator McKELLAR. All right, sir. The next is under the National Training School for Boys.

NATIONAL TRAINING SCHOOL FOR BOYS

Mr. HUFF. This is a similar contract item, in which the estimates in securing the original appropriations were less than the actual population proved to be, the difference being charged to us as \$4,562. This is payable to the National Training School for Boys.

NONRESIDENT INSANE

Senator McKELLAR. The next item is \$4,500 for nonresident insane.

Mr. HUFF. This amount is in addition to the amount available, appropriated for this year.

Senator McKELLAR. How much was appropriated for this year?

Mr. HUFF. About \$12,000.

Senator McKELLAR. Well, that is a very large amount for 1 month and 10 days, is it not?

Mr. HUFF. Yes. We had asked for more than this, but because of the short time now remaining, we are asking only for this much money, the purpose being to transport certain persons who are enabled

to be transported out of St. Elizabeths Hospital, and save us the cost of maintaining those people in St. Elizabeths Hospital. We have now some 20 patients who are now known to be able to be transported away, and given this much, if this much is made available, we believe we can transfer more than that number. The estimated amount of the difference gives us a total of 45. The House allowed us \$33,000 for that same item for next year.

MILITIA

Senator McKELLAR. The next item is "Militia, \$453.12."

Mr. WILDING. That is for an amount to pay claims which have been made by employees of the militia who are now in the armed forces, now on active duty with the military forces, for an additional amount of annual, accumulated, accrued leave at the time of their entrance into active duty.

The record of the headquarters of the D. C. National Guard shows these employees to be entitled to the additional number of accumulated and accrued number of days. I have a statement here which I will furnish to the reporter for the record, if you wish it. This is chargeable to the appropriation for personal services for the fiscal year 1941. This is all in accordance with the act of Congress, Public Law 706, approved December 17, 1941, which increased to 90 the number of days of annual leave which could be accumulated. These employees had previously been paid for the number of days of annual leave up to 60 that they had accrued when they entered training or active duty with the military forces under the law which then existed. The total allowable number of accrued days of annual leave then was 60 days. Now it is 90. These men are all now in the armed forces.

SETTLEMENT OF CLAIMS AND SUITS

Senator McKELLAR. The next item is for settlement of claims and suits. Have those been settled by the Commissioners? The amount requested is \$2,152.54.

Mr. WILDING. Those have been settled under the act of Congress of February 11, 1929.

Senator McKELLAR. How much of an appropriation did you have?

Mr. WILDING. We do not get an appropriation for this purpose, aside from a small amount for settlement of claims not in excess of \$250 each. These are claims which are each in excess of \$250.

The list of claims, the statement of facts in each individual case, the amount of the claim, and the amount of the settlement, together with a summarization of the evidence, is shown in this statement. This statement which I have here contains information covering that, which I will, if you wish, turn over to the reporter for the record.

Senator McKELLAR. I do not think it is necessary to do that.

Mr. WILDING. Very well, sir.

Senator McKELLAR. They have agreed to settle these claims under the act of June 5, 1930.

Mr. WILDING. That is the amendment to the original act of February 11, 1929; yes, sir.

Senator McKELLAR. You have a memorandum of it in your papers?

Mr. WILDING. Yes, sir.

Senator McKELLAR. You need not put it in the record.

Mr. WILDING. Very well.

Senator McKELLAR. I do not see how that could be avoided.

JUDGMENTS

The next is the matter of judgments, and those judgments have been entered in the courts?

Mr. WILDING. Yes, sir; against the District of Columbia.

Senator McKELLAR. How much do you have for judgments?

Mr. WILDING. We do not seek any annual appropriation for judgments, because it is entirely indeterminable.

AUDITED CLAIMS

Senator McKELLAR. The next is audited claims, \$1,037.94.

Mr. WILDING. These are for audited claims for the fiscal year 1940 and prior fiscal years, for which the money is no longer available for obligation, and in most of these cases a balance was covered into the surplus in excess of the amount sought here.

I have a statement on that which I could furnish for the record if you wish.

Senator McKELLAR. No; it is not necessary to do that.

Mr. WILDING. All right, sir.

TEMPORARY INCREASE IN COMPENSATION FOR CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA

Senator McKELLAR. Now, the next item is of vastly more importance. Temporary increases in compensation for certain employees of the District of Columbia, the total amount being \$589,093.

Senator OVERTON. That is fixed by statute?

Senator McKELLAR. That sounds like a great big sum for a month.

Mr. WILDING. Yes, sir. That is for 7 months of the present fiscal year, being for the increased compensation due policemen, firemen, and school teachers, for the most part. There is a small amount included for certain other employees not covered under the first overtime act of last December—December 22. They are very inconsequential in amount, with the exception of the recreation board, \$14,305, and Gallinger Municipal Hospital, \$36,000, and are items which are not included in the classification of policemen, firemen, and school teachers.

Senator McKELLAR. What amount was appropriated for these items in the regular bill?

Mr. WILDING. The appropriation for salaries for this purpose in the regular bill has, of course, not been sufficient to pay the amount which we submit here.

I might say by way of information—

Senator McKELLAR. I know, but what was the amount?

Mr. WILDING. The amount—

Senator McKELLAR. The total amount.

Mr. WILDING. Skipping the first two items, I will give you that: Poundmaster, \$16,940, and Commission on Mental Health \$21,342—

I am speaking now of the 1943 appropriation—"Public schools"—salaries, administrative, and supervisory officers for this year, \$722,883; for attendance officers, \$44,100; for teachers, \$7,609,840; for Recreation Board, \$364,894; Police Department, salaries, \$3,404,205; Fire Department, \$2,267,060; Gallinger Hospital, \$905,047; and probation system, \$19,620.

May I say, sir, that in the case of all of these items, every effort has been made to save the amount required to pay under this overtime compensation provision. For example, in the case of the Fire Department, where we have, in round figures, 900 firemen, the firemen were given an increase of \$300 a year for 7 months, which figures about \$150,000. That would be the cost of that overtime compensation for this fiscal year. We have asked here for \$7,000.

That amount has been saved in lapses due to vacancies. It is well known that all of these younger men on the Police Department and Fire Department have been called into the armed forces and there has been difficulty in filling positions, and these savings arising in the case of the Fire Department have resulted in the amount being requested here of \$7,000, instead of a round figure of \$150,000.

In the case of the Police Department, I have not even worked it up in my mind as to the amount that it would cost for 1,711 policemen for seven-twelfths of a year at \$300 a year; but \$48,000, sir, represents a very small portion of the total cost. It would have been in the neighborhood, or very close to, of \$300,000.

Senator McKELLAR. Are all of these overtime payments?

Mr. WILDING. These are all in accordance with the—not the Overtime Act of December last, but the District of Columbia act, which was approved April 1, 1943, for policemen, firemen, and school teachers; what is generally referred to informally as the police, firemen, and school teachers' raises or increase in compensation act.

Senator OVERTON. Does that act cover the employees at Gallinger Hospital?

Mr. WILDING. Yes, sir; for certain ones—the student nurses and certain other employees who were not included under the Overtime Act of December 22, 1942, in which earlier act the District of Columbia employees were included only to the extent of those under the Classification Act of 1923 as amended.

That, therefore, did not include policemen, firemen, school teachers, or employees not under the Classification Act.

Senator OVERTON. Are all of these increases required or given as a result of statutory enactment?

Mr. WILDING. Yes, sir.

Senator OVERTON. Every one?

Mr. WILDING. Yes, sir; and as I indicated specifically in reference to the Fire Department, we have made great savings in the amount required to be appropriated; great savings, I assure you, sir, of that.

HIGHWAY FUND, GASOLINE TAX, AND MOTOR-VEHICLE FEES

DEPARTMENT OF VEHICLES AND TRAFFIC

Senator McKELLAR. The next is under highway fund, gasoline tax, and motor-vehicle fees, Department of Vehicles and Traffic, \$468.19.

Mr. WILDING. That is a deficiency item, sir, to pay a bill of the Potomac Electric Power Co. for installing certain traffic lights back in 1941 where the bill was not submitted until after the amount of the appropriation made available for 1941 had been completely exhausted.

There was an appropriation for 1941 in the District of Columbia annual act for electric traffic light signals and controls and maintenance of lights amounting to \$139,380. That was supplemented by a deficiency item contained in the Second Deficiency Act, 1942, in the amount of \$1,296.63, making a total available for that year of \$140,676.63. The appropriation was entirely exhausted, and the amount here requested is necessary in order to pay the bill of the Potomac Electric Power Co.

REFUND OF PAYING ASSESSMENTS

Senator McKELLAR. Refund of paying assessments, \$7,426.65.

Mr. WILDING. I might say in the beginning that there is no item in the District of Columbia Appropriation Act which is available for the purpose of making these refunds.

Senator McKELLAR. Ought that not be in the District of Columbia act, the regular act?

Mr. WILDING. We do have an item for erroneous collections under the highway fund, but these payments are made in excess of 3 years prior to the year in which we would make the repayments. Under that item, in the District of Columbia annual act, such payment would be restricted; such refund would be restricted to payments made not more than 3 years prior to the fiscal year for which the appropriation was made. This item as submitted is for \$7,426.65 and is in order to cover proposed refunds to abutting property owners of one-half, or a part of the assessments paid by them in connection with the restoration of certain abandoned street-railway car tracks, where one-half of the assessment was subsequently paid by the streetcar company. The abandoned streetcar tracks were removed by the Capital Transit Co. The District of Columbia found it necessary to repave these areas in which the abandoned tracks had been laid, in order to make those areas safe and usable as highways.

The Capital Transit Co. denied any liability for such work.

Senator McKELLAR. Does not the contract with the city provide—I know it does as a rule—where a public-service corporation gets permission to lay their tracks on the streets of a city, there is always a proviso, so far as I can recall, that they shall leave the streets in the same condition—

Mr. WILDING. In which they found it.

Senator McKELLAR. Or, there should be such a provision.

Mr. WILDING. Should be. I do not believe, Mr. Chairman, that there is any such provision in our franchise, because after all the streetcar company could not be expected to be quite so far-seeing as to features of that kind. They did not foresee the coming of the automobiles and the busses, and therefore when the franchise was made, or subsequently, there was a provision for the paving of the streets within the car-track area and 2 feet exterior thereto.

This was all made the subject of a suit by the District of Columbia against the transit company in order to get the transit company to pay

a portion of the cost of repaving this area, of course, no longer to be used by the transit company, and in the 1942 District of Columbia Appropriation Act, Congress authorized the Commissioners to settle in conformity with the principles that were set forth in the paragraph in the 1942 appropriation act, all claims existing or that may arise in connection with the paving of abandoned streetcar-track areas. Pursuant to that congressional authority, these claims were settled by agreement of the Capital Transit Co. to pay one-half of the cost, but assessment had already been made against abutting property owners. They had paid one-half of it and now that the transit company had paid that half, this item is submitted in order to make a just and equitable refund to those property owners who paid on the assumption that the District of Columbia would have to pay the whole cost.

Senator OVERTON. This is to make refunds to the property owners who had paid that?

Mr. WILDING. And it is only just and proper that we should pay this back to the property owners because we had made the assessment on the basis that the District of Columbia would have to pay the whole cost.

Senator McKELLAR. Anything further on that?

Mr. WILDING. That is all.

WATER SERVICE

WASHINGTON AQUEDUCT

Senator McKELLAR. The next is \$174,763 under water service.

Mr. FOWLER. Maj. D. M. Radcliffe, area engineer, and Mr. E. A. Schmitt, head engineer, are here to testify.

Senator McKELLAR. All right, sir.

STATEMENTS OF MAJ. D. M. RADCLIFFE AND E. A. SCHMITT

Mr. SCHMITT. The reason for that is that the population of Washington, due to the influx of war workers, has increased to such an extent that the water-supply funds provided in the regular District of Columbia Appropriation Act for the fiscal year 1943 will be insufficient for the full fiscal-year operation.

The population of the District of Columbia and Arlington County has gone up some 200,000 or more during the past 2 years, and this increase takes more water and takes more facilities and all of the elements of our operation and maintenance funds for supplying water have gone up correspondingly.

OVERTIME PAY

The details of items which make up the \$174,763 can be presented, if you so desire; the first item is the overtime payment which came about by reason of Public Law No. 873. This law covers overtime payment from July 1, 1942, to November 30, 1942. That accounts for \$36,293.

USE OF ADDITIONAL ELECTRIC POWER FOR PUMPING PURPOSES

Another item which is directly related to the increased population is that of electric power. Situated as the city is, with a great deal of it located on high ground, the water has to be pumped to high reservoir areas, and the supply has been greater than it was heretofore. That is complicated, though, by another situation. At the present time our conduits from Great Falls to the Dalecarlia plant bring down more water than we need for the actual water supply to the city. The surplus is used to generate electric power by means of a Government-owned hydroelectric plant. The surplus water drops from the Dalecarlia reservoir, 140 feet down to the Potomac River, so that we are able to generate a substantial amount of power. Now, however, when the population goes up and takes more water we have less surplus water with which to generate power. So not only do we need more purchased electric power to pump water for the city, but we have less surplus water for power generation; therefore, we have to purchase more power than indicated by the normal increase in pumpage.

Senator McKELLAR (interposing). In just the month and a third seems like a large sum for power.

Mr. SCHMITT. Well, Mr. Chairman—

Senator McKELLAR. That is needed for one month and a third?

Major RADCLIFF. No, sir; I might explain it this way: For the fiscal year 1943, we originally estimated that the sum of \$113,400 would be required for purchased power. That has already been expended, during the first 8 months of the fiscal year, and we need an additional \$39,734 in order to meet outstanding obligations and the cost for the two remaining billing months of this year. Our total requirements for the fiscal year 1943 will be \$153,134.

Mr. SCHMITT. In other words, we pump water whether we have money on hand to pay our power bill or not. We are already shy some money required to pay our outstanding bills for electric power, chemicals, and other fixed requirements.

Senator McKELLAR. Here is what I am wondering: If this ought not to be in the District of Columbia bill instead of this bill.

Mr. WILDING. I believe, sir, this is strictly and properly here before this committee.

Senator McKELLAR. For an additional amount for the fiscal year 1943?

Mr. WILDING. Yes, sir.

Major RADCLIFF. This is strictly a deficiency item, sir.

Senator McKELLAR. Does it require \$174,000 for a month and a third?

Major RADCLIFFE. No, sir; the deficiency request covers obligations of the entire year.

Mr. WILDING. They have some items here that have already been obligated, actually been incurred, such as using electric power for which they have not paid.

Senator McKELLAR. That is a deficit; but the \$174,763—

Major RADCLIFF. The sum of \$174,763 covers obligations in excess of the presently appropriated funds.

Mr. SCHMITT. I will just read the deficiency items off to you.

Senator McKELLAR. Just read those items.

Mr. SCHMITT. The items consist of the following:

Senator McKELLAR. I am through with power. I am asking about the next item.

CHEMICALS FOR WATER DEPARTMENT

Mr. SCHMITT. The next item is chemicals. We use a certain percentage of chemicals to coagulate or treat all water. When we have more water to supply we require a greater quantity of chemicals. In addition to that, our filters are being taxed to capacity, especially the slow sand plant. So, in order to run up the productive capacity of the filters, we have had to apply more chemicals to make the water absolutely safe.

REPAIRS TO EQUIPMENT

The next item is the repairs to the chemical manufacturing plant and feed equipment, \$18,500.

Senator McKELLAR. Now, here is what I am asking you. You expect to spend that first item for power, you expect to spend that in the month of June?

Mr. SCHMITT. No, sir.

Major RADCLIFF. The funds for power have already been obligated, sir. The original sum set aside for electric power was \$113,400 for this current fiscal year. We now find from bills already rendered and projecting 2 months that we will need an additional sum of \$39,734, or a total of \$157,800.

Mr. SCHMITT. A total of \$157,800 is required for the year's operations.

Major RADCLIFF. Which leaves a deficit of \$39,734.

Senator McKELLAR. Frankly, I do not understand why you should need \$174,763 for a month and a third.

Mr. SCHMITT. No, sir; that is not the answer.

Major RADCLIFF. The deficiency, in great part, is for obligations already incurred.

Senator McKELLAR. You do not pay any attention, then, to the limitation the Congress put on you about expenditures of your money?

Mr. SCHMITT. Not deliberately, as you stated, no; but we know that water has to be supplied whether we have the money in the till or not; that water must go to the city every day. I believe you would agree with me on that.

Senator McKELLAR. There is something in that.

Mr. SCHMITT. Therefore when we get our perspective it is necessary to submit a deficiency request in order to cover the year's obligations.

Senator McKELLAR. Has that been habitual for some time?

Mr. SCHMITT. No, sir. But it has been evident to us for some time that we could not complete the year on the money originally appropriated.

Senator OVERTON. He means, has that occurred every year?

Mr. SCHMITT. No; that has just happened since the war brought about unforeseen changed conditions. We were going on on a fairly normal basis, and we could proceed on our estimates pretty accurately before, but we cannot now.

Major RADCLIFF. It has only been for the last year and this year that we have had difficulty in keeping operating expenses within the limit of funds appropriated.

Mr. SCHMITT. As an illustration, you have been hearing about a lot of housing developments, and one after another of those have come into being, and they use water. For instance, the dormitories over on the old Arlington farms site, and down in West Potomac Park. A big population went in these developments and many others throughout the city. In addition, we have private housing developments and others. When water demand comes on the system we must furnish it, and I cannot even say where the end is yet.

Up on Nebraska Avenue, the Navy put up a WAVE housing project that has a population of about 5,000, just in one batch.

Senator McKELLAR. Mr. Schmitt, I can understand about the necessity of having water, and clean water, and pure water; but you last year asked for this item \$561,700.

Mr. SCHMITT. That is right.

Senator McKELLAR. Now, you have got in the bill for 1944 \$722,528.

Mr. SCHMITT. Yes, sir.

Senator McKELLAR. That is an increase of between \$150,000 and \$200,000.

Mr. SCHMITT. That about parallels this deficiency estimate.

Senator McKELLAR. And it would seem that with that increased appropriation, and the fiscal year of 1943 almost gone, you would not need this amount of money for that purpose.

Mr. SCHMITT. We have bills on our books that we cannot pay unless the deficiency is allowed.

Senator McKELLAR. To what extent have you bills on your books?

Mr. SCHMITT. I cannot give the figures now. I can find out.

INCREASE IN POPULATION

Major RADCLIFF. The outstanding obligations are well over \$100,000.

Senator THOMAS. How much has the population increased since the war broke out, or say 2 years ago?

Major RADCLIFF. The actual in 1941 was 770,000.

Mr. SCHMITT. This includes Arlington County. We also serve water to Arlington County.

Major RADCLIFF. That includes Arlington County. The revised estimates for 1943, the present fiscal year, are 971,000.

Senator THOMAS. How much of a percentage increase is that, Major?

Major RADCLIFF. I do not have the exact percentage before me.

Senator THOMAS. I thought maybe you had that in mind. Is it 20 percent?

Major RADCLIFF. It is approximately 20 percent as can be seen by observation.

Senator THOMAS. Twenty to twenty-five percent.

Major RADCLIFF. Yes, sir.

Senator THOMAS. Of course that would not necessitate an increase in the general appropriation item of 20 or 25 percent: but it might necessitate a larger percentage in some items than others.

Major RADCLIFF. That is correct.

Senator THOMAS. And you hold that this water item is one that has to be developed in proportion to the increased population and for

that reason you have submitted these estimates. Does that state the case fairly?

Major RADCLIFF. Yes, sir.

Mr. SCHMITT. Yes, sir; that is exactly it.

Senator McKELLAR. Well, is there anything else?

CHEMICAL CONTROL AND LABORATORY OPERATIONS

Mr. SCHMITT. Then we have chemical control and laboratory operations.

COMPLETION OF RESERVOIR

Mr. FOWLER. The next item to be considered is \$69,500 for completion of the McMillan Reservoir.

Mr. SCHMITT. There is only one other item. We built a reservoir, 20,000,000-gallon capacity, at the McMillan filtration plant.

Senator McKELLAR. There is a Budget estimate for that?

Mr. SCHMITT. That was in the past 2 years; yes, sir. There were a number of items in that.

Senator McKELLAR. Is that included in this?

Mr. SCHMITT. Excuse me.

Senator McKELLAR. Is that included in this?

Major RADCLIFF. In the last item.

Mr. SCHMITT. In the last item, which is \$69,500 for completing that item. The cost of all items and labor, and everything else, has gone up to the extent that the reservoir cannot be completed with funds in hand.

The reservoir is now about ready to go into service and we need a number of facilities to go with it that we have not been able to supply out of the funds, due to the increased costs of the major elements.

Senator McKELLAR. All right, gentlemen. Thank you.

POST OFFICE DEPARTMENT

STATEMENTS OF SMITH W. PURDUM, SECOND ASSISTANT POSTMASTER GENERAL; JOHN J. HAGGERTY, COMMISSIONER OF THE BUDGET, POST OFFICE DEPARTMENT; ROY M. NORTH, DEPUTY THIRD ASSISTANT POSTMASTER GENERAL; AND ROSCOE E. MAGUE, GENERAL SUPERINTENDENT, OFFICE OF THE CHIEF INSPECTOR, POST OFFICE DEPARTMENT

Senator McKELLAR. Mr. Purdum, we will be glad to hear you. You have some additional items in the Budget estimate here, sent up by the President.

OFFICE OF THE CHIEF INSPECTOR

CLERKS DIVISION HEADQUARTERS

The first is for clerks, division headquarters, additional amount for compensation of 332 clerks at division headquarters and other posts of duty of post office inspectors, fiscal year 1943, \$8,800.

Will you please explain that?

Mr. PURDUM. That item, Mr. Chairman, comes under the chief post-office inspector's bureau, and Mr. Mague, general superintendent of that bureau is right here, Senator.

Mr. MAGUE. That amount is made necessary by the legislation for overtime payments for services on Saturday and also by Public Law 25 providing additional compensation of \$25 a month. The latter law went into effect on May 1, and the amount of \$8,800 is exclusively the result of those pieces of legislation.

OFFICE OF SECOND ASSISTANT POSTMASTER GENERAL

STAR ROUTE SERVICE

Senator McKELLAR. Yes, sir. Next is office of the Second Assistant Postmaster General, Star Route Service: For an additional amount for inland transportation by star routes (excepting service in Alaska), including temporary service in newly established post offices, fiscal year 1942, \$14,000.

Mr. PURDUM. That is ours, Mr. Chairman. That item is \$14,000 and applies to the fiscal year 1942, and it is necessary to pay outstanding bills.

During the last 6 months of the fiscal year 1942 our cost for the Star Route Service increased materially on account of readvertisements and in connection with it we had two highway post-office busses, the orders for which were placed, or the request for the orders, were made early in the latter half of the fiscal year, but owing to difficulty in getting materials the orders were not formally placed—by the purchasing agent—until June 1939 for three busses, and it was later found that the money was only sufficient to pay for one, and so we are asking for \$14,000. The balance in the appropriation for this item at the present time is \$8,064.49.

Senator McKELLAR. You need the \$14,000 in addition to that?

Mr. PURDUM. Yes, sir.

Senator McKELLAR. For the month and a third of this fiscal year?

Mr. PURDUM. The cost of the two busses is \$20,665; deducting the amount \$8,064.49 leaves \$12,600.51, and after going over this situation very carefully we thought we should request \$14,000, because some unpaid bills might come in and we would not have to come over here again.

RAILWAY MAIL SERVICE

SALARIES

Senator McKELLAR. Well now, the Railway Mail Service: For additional amount for Railway Mail Service, salaries, fiscal year, 1943, \$5,375,000.

Mr. PURDUM. Yes, sir.

Senator McKELLAR. Now, that arises all under the laws we passed increasing salaries?

Mr. PURDUM. That arises, Senator, largely by reason of the great increase in the postal business and the need for working our men overtime, in an effort to handle the mails. The increase in the volume of mail has been very, very great. The increase in the postal receipts has also been very great.

BALANCING BUDGET

Senator McKELLAR. Right there, are we going to balance our postal budget this year?

Mr. PURDUM. I could not answer that question, Senator, but I believe we will come nearer to it this year than we have in a long time past.

Senator McKELLAR. I saw some statement the other day that we perhaps might balance it and have a few dollars more, which was very gratifying to me, and I hope that will happen.

Senator THOMAS. Has that ever been done?

Mr. PURDUM. Yes, sir; once or twice, I think in the history of the Government.

Senator McKELLAR. There has usually been a small deficit, except in the late years there has been a very large deficit, as you know, but I am very hopeful that we might come out even this year.

INCREASE IN POSTAL RECEIPTS

Mr. PURDUM. The increases in postal receipts are heavy.

Now, in November 1943—

Senator McKELLAR. 1942.

Mr. PURDUM. November 1943, fiscal year, postal receipts were 10.68 percent greater than 1942.

Senator McKELLAR. How could that be when you have not gotten to 1943?

Mr. PURDUM. I am referring to the fiscal year 1943.

Senator McKELLAR. Fiscal year?

Mr. PURDUM. Yes, sir.

Senator McKELLAR. You said November.

Mr. PURDUM. That is the fiscal year 1943. November 10.68 percent greater than November, fiscal year 1942; in December 1943, fiscal year, they were greater by 11.87 percent than December 1942; January 1943, 6.18 percent over January 1942; February 1943, 13.47 percent greater than February 1942; March 1943, 17.41 percent greater than March 1942; and it is estimated that the increased postal receipts for April 1943 will be 17 percent greater than for April 1942.

Senator THOMAS. Have the receipts increased proportionately?

Mr. PURDUM. These are receipts, Senator.

Senator McKELLAR. I thought that that was volume of the mails.

Mr. PURDUM. No, sir; postal receipts.

Senator McKELLAR. Have you developed those figures enough to form an estimate so that you could—not be accurate about it, because it is impossible at this time to be accurate about it—but, have you had those figures investigated sufficiently to be able to give us about what the result will be on June 30 or July 1?

Mr. PURDUM. Mr. Chairman, Mr. Haggerty, who is our commissioner of the budget, is here, and he has the figures, and I think he can answer that.

Senator McKELLAR. As you know, I take a great interest in the Post Office Department and have for many years and it has been one of my ambitions for that splendid Department to have itself self-sustaining, and I was just wondering if we were going to reach it in these times

of prosperity, and if you have got the necessary figures there to show about what we will do. You are not to be bound and the Post Office Department is not to be bound, but I would just like to know what your anticipation is of the receipts and disbursements for the present year, July 1, is you have them.

Mr. HAGGERTY. For the first 10 months of the fiscal year, Mr. Chairman, who have had an increase of \$73,000,000 in receipts and we have a surplus of \$5,000,000; but beginning on May 1, we go under the new legislation with the \$300 increased compensation plus the overtime. Now, I would estimate that perhaps at June 30 there will be a several-million-dollar deficit, maybe five- to seven-million-dollar deficit.

COST OF HANDLING DEPARTMENTAL MAIL

Senator McKELLAR. What was the deficit last year?

Mr. HAGGERTY. Gross deficit \$11,000,000.

Senator McKELLAR. Gross deficit \$11,000,000 last year?

Mr. HAGGERTY. Yes, sir.

Senator McKELLAR. And it will be about cut in two?

Mr. HAGGERTY. That is after absorbing the additional costs of increased compensation and overtime payments.

Senator McKELLAR. But it is possible we may come out even?

Mr. HAGGERTY. We may come out even; yes, sir.

Senator McKELLAR. It will be very interesting to know, and I will be very glad if you gentlemen, some one of you, will write me a letter as soon after July 1 as possible, showing what the actual figures indicate.

Mr. HAGGERTY. Yes, sir.

COST OF SOLDIERS' MAIL

Senator THOMAS. How much do you consider that you are losing by virtue of the fact that the soldiers are allowed the franking privilege?

Mr. HAGGERTY. Possibly \$50,000,000 or \$60,000,000 a year.

Senator THOMAS. Would you consider that in your calculations then that the Post Office Department is making a substantial profit this year?

Mr. HAGGERTY. That is true; yes, sir.

COST OF HANDLING DEPARTMENTAL MAIL

Senator McKELLAR. Let me ask you another question. The departmental mail has increased by leaps and bounds during the year. My recollection is—I have forgotten the figures—that it is something like \$72,000,000 more for this year than perhaps last year. That increase is shown in these figures too, is it not?

Mr. HAGGERTY. Yes, sir. The cost of handling that mail is being absorbed for the first 10 months of the fiscal year.

Senator McKELLAR. You remember some time ago we had a conference down there about prevailing upon the Department—you gentlemen probably were all at the conference—you gentlemen all thought that by cooperating and conferring with the heads of the departments or their managers that that item could be reduced considerably.

What efforts have been taken?

Mr. HAGGERTY. There have been several conferences with the Bureau of the Budget officials, but I do not think any definite plan has been worked out. I believe Mr. North could answer that.

Mr. NORTH. I think nothing definite, Mr. Chairman. You know the Postmaster General then asked for time for further study.

Senator McKELLAR. Yes.

Mr. NORTH. I think it is still an open question, is it not, before Congress, as to what should be done.

Senator McKELLAR. I am sorry to say it still is. We have not agreed on anything yet. We are going to try to agree on it today, but I would like to know what the situation is.

Is the amount of departmental mail decreasing or increasing?

Mr. NORTH. Well, it has increased this year over last year.

Senator McKELLAR. I know, but is it increasing; has it increased in March, April, and May over the preceding period?

Mr. NORTH. We have no figures for those 3 months, Mr. Chairman; but I dare say there would be an increase, because the increases have been constant for the past several years, so it is reasonable to assume an increase for the period mentioned.

Senator McKELLAR. An immense amount of departmental mail is being sent through the mails, of course, as we all know, that it is not necessary to send, and I was very much in hopes that those departments would get together with General Walker and cut out a part of that very large loss as it seemed to me. I think the amount was \$73,000,000.

Mr. NORTH. About seventy-odd million dollars.

Senator McKELLAR. Seventy-odd millions a year, and I was in hopes that we could, by persuasion, cut them down.

We provided in our bill, in the appropriation bill, the Senate appropriation bill, to have a joint conference and see what could be done; but that has not gone through; but I was in hopes that the Department would get together with them and cut down those enormous costs. They are entirely too much. Of course we all realize that there must be additional costs, but the amount of \$73,000,000, to my mind, it is almost unbelievable that they should use that much money.

Senator OVERTON. One way Congress could accomplish it is by making them pay postage. We could make an appropriation for postage.

Senator McKELLAR. Yes.

Mr. PURDUM. Mr. Chairman, as I remember the amendment was put on the bill by the Senate providing that there should be a survey made by the Postmaster General and the Director of the Bureau of the Budget.

Senator McKELLAR. That is right.

Mr. PURDUM. And a report submitted on the matter.

Senator McKELLAR. That is right.

Mr. PURDUM. Within 60 days.

Senator McKELLAR. Sixty days; yes, sir.

Mr. PURDUM. After the approval of the bill.

Senator McKELLAR. And if that should be agreed to, and I hope it will be agreed to, if that is agreed to, I want you gentlemen to make strong representations. I will tell you, I see in my own mail so much that comes through that ought not to come, just in my own personal mail. I have watched it since the passage of this provision in the Senate, the Senate proposal in the appropriation bill for the Post

Office Department; regular appropriation bill for the Post Office Department, and I would like the best in the world to cut that down, and cut it down very, very materially, so that it will enable us to do what all of you gentlemen want to do and what we in Congress want to do, namely, to make the Post Office Department self-sustaining, if possible.

Mr. NORTH. I think something can be accomplished, Mr. Chairman. It is troublesome.

Senator THOMAS. What is the total expense of running the Post Office Department, approximately? What will it be for this current year?

Mr. HAGGERTY. \$955,000,000 to \$960,000,000.

Senator THOMAS. You might say approximately a \$1,000,000,000 institution.

Mr. HAGGERTY. \$950,000,000 revenues.

Senator THOMAS. What is the personnel, all told?

Mr. HAGGERTY. Three hundred and fifty thousand.

Senator McKELLAR. Are there any further items?

RAILWAY POSTAL CLERKS, TRAVEL ALLOWANCE

Mr. PURDUM. Yes, sir; railway postal clerks and travel allowance, \$375,000.

Senator McKELLAR. What do you have to say about that?

Mr. PURDUM. Mr. Chairman, we estimated the amount that would be needed is \$445,000, and the Budget Bureau reduced it to \$375,000.

Senator McKELLAR. Well, that is a lot of pay allowance for a month and 10 days.

Mr. PURDUM. Mr. Chairman, this is for all of the railway postal clerks in the United States and substitutes assigned to road duty, travel allowance.

Senator McKELLAR. What was the amount carried in the regular appropriation bill?

Mr. PURDUM. The amount carried in the regular bill—I have that right here—\$3,375,000.

Senator McKELLAR. Well, you see that is 10 percent of it right here.

Mr. PURDUM. Mr. Chairman, that is an item over which we cannot exercise much control, because when the railway postal clerks and the substitutes are out on the road and come within the travel allowance paid by law, we have to grant them the travel allowance, and it is very modest. It is at the rate of \$3 a day.

DOMESTIC AIR MAIL SERVICE

Senator McKELLAR. The next is Domestic Air Mail Service, \$192,541.

Mr. PURDUM. Mr. Chairman, that item comes about by—

Senator McKELLAR. By legislative enactment?

Mr. PURDUM. This item of \$192,541 is due to a retroactive rate order issued by the Civil Aeronautics Board. This pertains to fiscal year 1941. The other item of \$327,891 comes about through a rate order issued by the Civil Aeronautics Board making a retroactive rate of pay. This pertains to the fiscal year 1942.

Senator McKELLAR. Have they got a right to do that under the law?

Mr. PURDUM. The law gives them the right to fix the rates and to fix the date the rate shall take effect.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

RAILWAY MAIL SERVICE, TRAVELING EXPENSES

Mr. PURDUM. Excuse me, Mr. Chairman, there is another item for the Railway Mail Service, travel expenses. For an additional amount for Railway Mail Service, travel expenses for the fiscal year 1943, \$3,000.

Senator McKELLAR. Yes. Well, that is a matter you might explain.

Mr. PURDUM. This item for travel expense for Railway Mail Service officials, and, I might say that we may have to come back here for additional amounts for these Railway Mail Service items when the next deficiency bill comes up.

Senator McKELLAR. Well, we do not want to anticipate that.

OFFICE OF THIRD ASSISTANT POSTMASTER GENERAL

PAYMENT OF INDEMNITIES, DOMESTIC MAIL

The next item comes under the Office of the Third Assistant Postmaster General, an additional amount for payment of indemnities, \$110,000. There is another item for indemnities, domestic mail, \$660,000.

Mr. NORTH. The \$110,000, Mr. Chairman, is for the fiscal year 1942. The \$660,000 is for the fiscal year 1943.

These appropriations run for a 3-year period and we are exhausted now of funds to pay the claims arising under 1942, and also we have exhausted the 1943 appropriation.

Now, in 1942 we had an appropriation of \$500,000 and then received \$250,000 since that time, making \$750,000, and we need \$110,000 to complete those payments.

I might point out, Mr. Chairman, our business has been increasing. This concerns registered, insured, and c. o. d. mail.

For instance, in 1942 our revenues were \$20,934,000, in round figures, as fees on those particular articles; \$20,934,000 as compared with 1943 an estimated \$28,397,000. So, we have a gain in fees of nearly \$8,000,000 for the year.

Furthermore, you will note our increase in indemnity payments is small in comparison with the increase in revenues.

Senator THOMAS. How do you account for that? Do people have more money to be sending around?

Mr. NORTH. Yes; better business conditions.

Senator THOMAS. Mail-order purchases; sending money to their families and friends, and things of that kind?

Mr. NORTH. I do not know about sending money. Merchandise—we have an increased number of pieces, Senator, and also an increase in average value per piece—due to general increases in the price of merchandise.

Senator McKELLAR. You did not go before the House on this?

Mr. PURDUM. No, sir. The Budget did not get the item over in time to go before the House.

Senator McKELLAR. All right, gentlemen, we are much obliged to you.

Mr. PURDUM. Mr. Chairman, we thank you.

UNITED STATES SOLDIERS' HOME

STATEMENTS OF MAJ. GEN. FREDERICK W. COLEMAN, UNITED STATES ARMY (RETIRED), GOVERNOR OF THE HOME, AND COL. R. S. MOORE, SPECIAL ASSISTANT TO THE BUDGET OFFICER FOR THE WAR DEPARTMENT

OVERTIME PAY

Senator McKELLAR. Gentlemen, we have here an item for the United States Soldiers' Home sent in by the Secretary of War. The item appears on page 31, line 1 of the bill. You want to strike out "Soldiers' Home Permanent Fund (trust fund). 1943. \$44,800." And then, following that, page 31, line 7, you want to omit "\$359,400" and insert "\$314,600."

On page 34, line 13, you want to omit "\$121,899,751" and insert "\$121,854,951."

On page 35, following line 8, you want to add section 203:

SEC. 203. For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home Permanent Fund, \$44,800; *provided*, that no part of the Soldiers' Home Permanent Fund shall be used for the payment of salaries including overtime in excess of amounts fixed by the Board of Commissioners for the Soldiers' Home.

Will you explain why that is?

Colonel MOORE. Mr. Chairman, day before yesterday the General Accounting Office called the War Department's attention to the fact that the item appearing in lines 1 and 2 on page 31 would operate to make a direct appropriation from the general fund of the Treasury to the Soldiers' Home. This has never been done in the past, because there is a trust fund in existence from which expenses of the home are paid, and that fund is made up by contributions from soldiers and from fines and forfeitures. That was clearly an error.

However, time has not permitted the War Department to secure approval of the Bureau of the Budget in this matter, and accordingly we are required to state that we can make no comments as to whether this proposal is in accord with the program of the President.

Senator McKELLAR. Well, it is manifestly an error and probably should be corrected anyway.

Now, what is the next item?

Colonel MOORE. That is the view of the War Department.

With respect to the proviso which we seek——

Senator McKELLAR. That is:

no part of the Soldiers' Home permanent fund shall be used for the payment of salaries including overtime in excess of amounts fixed by the Board of Commissioners for the Soldiers' Home.

Colonel MOORE. Yes, sir. Maj. Gen. Frederick W. Coleman, governor of the Soldiers' Home, desires to be heard on that item.

Senator McKELLAR. We will be glad to hear you, General.

General COLEMAN. The act of March 3, 1851, established the United States Soldiers' Home as a congressional trust. The trusteeship has

continued as a responsibility of the Congress itself. In this respect the institution is quite unique for, so far as I have been able to determine, it is the only legally established trusteeship in which the Congress has assumed the full responsibility to the old, infirm, and disabled members of the Regular Army.

In the same act the Congress provided for an ex-official board of commissioners to operate the home and be responsible to the Congress for its proper administration. Aside from a few specified duties—not here relevant—delegated by the Congress to the President, the Secretary of War, and the Inspector General of the Army, the board of commissioners was authorized to—

do any other act or acts necessary for the government and interests of the same—the home.

From March 3, 1851, to July 1, 1935—84 years—the board of commissioners exercised administrative and executive control over the institution, including the withdrawal of funds from the Treasury on its order to meet the requirements of the home as determined by the board.

The first fundamental change in administration of the home was brought about with the passage of the Permanent Appropriation Repeal Act of June 26, 1934, when the status of the Soldiers' Home fund was changed, effective July 1, 1935, requiring an annual appropriation from the trust fund. As an annual appropriation—even though from a trust fund contributed by active-list soldiers themselves—the Civil Service Commission and the Bureau of the Budget promptly assumed jurisdiction within their respective spheres of influence and applied to this institution the multitude of laws, regulations, and decisions applying generally to appropriated Federal funds. This situation was brought to the attention of the House Appropriation Subcommittee by the governor in 1937 at the hearings on the War Department civil-functions bill for fiscal year 1938 and the chairman then stated:

I am sure there was no thought on the part of the Congress to interfere with any phase of the management or the conduct of the home, which has proved so long to be eminently satisfactory.

Following which that subcommittee proposed and the Congress enacted into law in the bill referred to above a provision that the Soldiers' Home should be operated—

According to laws governing and in effect prior to July 1, 1935, relating specifically to the United States Soldiers' Home, and in accordance with procedure followed prior to such date.

The Civil Service Commission immediately relinquished all claim to jurisdiction over the administration of the home. The Bureau of the Budget, however, has continued to exercise jurisdiction over the estimates submitted by the board of commissioners.

After the passage of the act of December 22, 1942 (Public Law 821, 77th Cong.), the Judge Advocate General of the Army informally advised the board of commissioners that in his opinion, the act had no mandatory application to the United States Soldiers' Home. Following this the board of commissioners, by formal resolution and under authority conferred upon it by existing law, made adequate provision for hours of work and overtime pay for employees of the home in harmony with this act of Congress.

Similar action was taken by a formal resolution of the board of commissioners with reference to the act of May 7, 1943—Public Law 49, Seventy-eighth Congress—and the estimate of funds in the amount of \$44,800 for remainder of fiscal year 1943 is now before you.

On account of the unusual and unique conditions which exist at this home, as distinguished from conditions which exist anywhere else in the Federal Government, the board of commissioners in the interest of continued harmony and efficient operation is of the opinion and so recommends that your committee amend the bill to include the restrictive clause on the use of the Soldiers' Home permanent fund for the payment of salaries and overtime as recommended by the Secretary of War.

Senator McKELLAR. General, the way I look at it, I do not think there is any objection to that at all. The only question is whether the proviso mentioned in the Secretary's memorandum is a proviso that changes the law. I am inclined to think it does, but Mr. Smith, our adviser back here, seems to think that it does not. He thinks it is a limitation. But in all events, it will be offered one way or the other.

General COLEMAN. I feel that it is not legislation, Senator, because the provision merely limits the availability of the permanent fund with respect to salaries, including overtime, to amounts provided by the board of commissioners as has been the case for over 90 years. No employee at the Soldiers' Home is subject to the civil-service classification laws, rules, and regulations. In this connection it is anticipated that overtime based on the present salary tables as authorized by the board of commissioners will amount to approximately \$89,964 annually, while the amount required for overtime on the basis authorized by existing statutes applicable to civil-service personnel would be far in excess of this amount.

Senator McKELLAR. And you regard that as a limitation instead of a change in the law?

General COLEMAN. Yes, sir.

If I may say something off the record.

Senator McKELLAR. Yes.

(After informal discussion off the record.)

Senator McKELLAR. As I understand it, the primary reason for giving many of these men employment is for their own good and not because you want to save money at all?

General COLEMAN. That is right; and when we do employ a man who is on a comparable position with a cook or in a hospital ward, or elsewhere we give him the pay of the job.

Senator McKELLAR. All right, sir. We are very much obliged to you.

CIVIL FUNCTIONS—CEMETERIAL EXPENSES

Senator THOMAS. I want to ask Colonel Moore a question or two about these items on page 30. The last item is for cemeterial expenses, War Department, 1943. \$56,800.

SANITATION, CANAL ZONE

And on page 31, in addition to the Soldiers' Home, we have "Sanitation, Canal Zone, Panama Canal, 1943. \$146,800."

CIVIL GOVERNMENT, PANAMA CANAL AND CANAL ZONE

Then we have as the next item "Civil government, Panama Canal and Canal Zone, 1943, \$111,000."

The Congress has just passed the civil-functions bill. In conference we agreed this morning, and it will be before the two Houses in the next few days for completion.

Why were these items not placed in the regular civil-functions bill?

Colonel MOORE. The amounts included in this bill, Senator, are for the current fiscal year and they were included to pay overtime in addition to the amount included in the bills for this current fiscal year.

Senator THOMAS. I know that could be handled in two ways. You could have added those amounts to similar items in the next bill and then provided that so much of those amounts, being the amounts contained in this bill, should be made immediately available. That would have been one way of handling it, because these items are now past due and the claims are in and filed and approved for payment.

Colonel MOORE. The amounts are included in this bill because the Bureau of the Budget decided that they would ascertain what was required to finance the additional amount resulting from the overtime bills and that they would include the amounts required for all departments in this bill.

Senator THOMAS. Well, I notice, Mr. Chairman, in the latter pages of this bill, vast sums of money are carried and I take it for granted that these are items that could not be estimated for; could not have been foreseen, and that they are items that are properly charged against the departments, and for that reason they are carried as strictly deficiency items, and I just wanted the record to show the reason, if I could make it show the reason for carrying so many items in this deficiency bill when other bills are going through for the various departments.

Colonel MOORE. I might add, Senator Thomas, that another reason was that this amount in here is to pay overtime authorized by bills enacted after the War Department submitted the estimates for the civil functions for the fiscal year 1944.

Senator THOMAS. That is the reason I asked the question, to get the reasons in the record.

DAIRY HERD AT SOLDIERS' HOME

Senator McKELLAR. Senator McCarran, you had some questions.

Senator McCARRAN. It is not on this subject, exactly. You are carrying a large herd of Holstein cattle over there in the Soldiers' Home?

General COLEMAN. Yes, sir.

Senator McCARRAN. Have you a break-down on the economy on that?

General COLEMAN. It is all contained in the annual report of the board of commissioners submitted to the Secretary of War and transmitted to the Congress each year. That is of record.

Senator McCARRAN. Just hitting on the broad side, is that herd of cattle maintained at a profit, or at a loss?

General COLEMAN. I worked that up. My idea on that is this: If we maintain our mess at the standard upon which we have always maintained it, and which the Congress expects us to, and we had to buy the milk instead of raising it ourselves, the cost would be very much greater. The same applies to eggs.

Senator McCARRAN. How many chickens have you?

General COLEMAN. About 8,500 laying hens. I can tell you about that. I figured it out this year, at the contract price the local hospitals were paying for eggs and milk, supposed to be similar to ours, and I found that had we purchased the same amount of milk and eggs, we would have paid \$17,118.66 more during the fiscal year.

Senator McCARRAN. How many people have you at the home?

General COLEMAN. We have, I would say, between 1,200 and 1,300 right now. The population is a little low, because a great many men who are able are engaged in the war effort, guarding your buildings.

Senator McCARRAN. What interests me, and the reason I am asking these questions is I have had something to do, in the past, with Holstein herds, purebloods, and I know they are a pretty expensive luxury. They are the greatest producers of milk, undoubtedly, but where you carry large herds and seem to carry the young stock, as you do, by and large, I am just wondering how you come out. I am interested in seeing how you come out in a herd of that kind.

Senator McKELLAR. How about the milk? You gave the figures as to the eggs, but what is your judgment about the milk?

General COLEMAN. I would have to look at the annual report to separate the account. The total savings as I said for both would be over \$17,000.

Senator McCARRAN. Do you sell eggs?

General COLEMAN. Only to the various messes at the home and to the people who live on the home.

Senator McCARRAN. Well, you have about how many people in the home altogether, including attendants?

General COLEMAN. We have roughly, I would say, at the present time probably 1,600 or 1,700 people.

Senator McCARRAN. And use about 8,000 eggs a day?

General COLEMAN. It takes about 200 dozen for breakfast. Our average daily consumption is approximately 3,100 eggs a day.

Senator McCARRAN. You are producing 3,100 eggs a day?

General COLEMAN. We produced at the last count about 260 dozen a day.

Senator McCARRAN. A day?

General COLEMAN. This is our big producing season, you understand.

YOUNG STOCK IN DAIRY HERD

Senator McCARRAN. How many young stock in the herd have you?

General COLEMAN. Not producing milk?

Senator McCARRAN. Yes.

General COLEMAN. I would say that there are 75 cows, approximately, which are producing milk out of a total herd of not to exceed 200. I have a rule to the effect that the herd is not permitted to exceed 200 head.

Senator McCARRAN. I am very much interested in that, because I am wondering how you can maintain a herd of that kind, of that size, on 75 producing cows. A dairyman could not do it. Maybe you can do it. I am interested in seeing how.

General COLEMAN. I wish you would read the report. We get a pretty big price for our excess bull calves.

QUANTITY OF MILK

Senator McKELLAR. Do you have sufficient milk from that herd to give the soldiers and the force in attendance upon them ample quantities of milk?

General COLEMAN. Oh, yes.

Senator McKELLAR. Practically all they need?

General COLEMAN. Yes, sir.

Senator McKELLAR. And the same is true with regard to eggs?

General COLEMAN. Yes, sir.

HOGS

Senator THOMAS. Do you raise hogs also?

General COLEMAN. No, sir.

Senator THOMAS. Why not? You must have a lot of feed for hogs.

General COLEMAN. Well, we are surrounded by the whole city of Washington and we considered that we had our hands pretty well filled, Senator, when we administer the home and administer the dairy and chicken farm.

Senator THOMAS. What do you do with your garbage?

General COLEMAN. That is disposed of by contract and hauled away.

We have to be very careful to maintain absolute cleanliness and sanitary conditions everywhere, because the city of Washington completely surrounds us.

Senator THOMAS. Someone uses that garbage for their hog food, do they not?

General COLEMAN. Yes, sir.

Senator McKELLAR. Is that shown in your report?

General COLEMAN. I do not have the report here, but it gives a statement of the whole conduct of the operation of the home.

Senator McKELLAR. Very well. We are very much obliged to you gentlemen.

CONTINUANCE IN FEDERAL EMPLOYMENT OF CERTAIN PERSONS

STATEMENTS OF NATHAN WITT AND GEORGE MARSHALL, NEW YORK, N. Y.

Senator McKELLAR. Will you give your full name to the reporter?

Mr. WITT. My name is Nathan Witt. I am counsel to the National Federation for Constitutional Liberties.

Mr. George Marshall here is chairman of the federation.

Senator McCARRAN. What item are you addressing yourself to?

PROPOSED AMENDMENT TO ELIMINATE SECTION 304

Mr. WITT. Section 304 of the deficiency appropriation bill, the provision which purports to bar from Federal employment Messrs. Lovett, Watson, and Dodd.

As our name indicates, we are a Civil Liberties organization and we are opposed to this proposition on the ground that it violates the constitutional liberties. Since Mr. Popper is here and will deal with the legal issue, I will not take time to give details except to state that in my opinion as a lawyer this provision is clearly unconstitutional.

Senator McCARRAN. Where do you live?

Mr. WITT. New York City.

Senator McCARRAN. How long have you lived there?

Mr. WITT. I have lived there all of my life. I was born in New York City.

Senator McCARRAN. You are a member of the bar of New York City?

Mr. WITT. I am a member of the bar of New York City.

HISTORY OF ORGANIZATION OF NATIONAL FEDERATION FOR CONSTITUTIONAL LIBERTIES

Senator McCARRAN. When was this organization initiated?

Mr. WITT. The organization for which I now speak?

Senator McCARRAN. Yes.

Mr. WITT. In 1940.

Senator McCARRAN. And where was it initiated?

Mr. WITT. It was initiated in Washington, D. C., at the conference of civil liberties organizations from all over the country.

I should have said—I did not know how interested you were in the organization—and perhaps I should have said at the outset that the federation, as the name indicates, is a federation of civil organizations throughout the country and a federated body of these organizations.

Senator THOMAS. Will you mention some of the organizations which make up the Civil Liberties Federation?

Mr. WITT. Mr. Marshall is more familiar with most of them. The Southern California Civil Liberties Federation and dozens of others throughout the country. Of course, we cooperate in connection with groups and trade-unions, and various peoples and organizations.

Senator McCARRAN. Have you anything in the nature of printed matter that will give us a list of those organizations?

Mr. WITT. Yes, we have, and we will be glad to submit that to you.

Senator McCARRAN. I wish you would. Have you anything that you could submit showing the names of your active membership?

Mr. WITT. Yes; I think we can supply that, although I should say in answer to that question, Senator, that the federation does not have individual membership. As what I have said already indicates, we are a federation, and we are composed of groups in organizations and not individual members.

Senator McCARRAN. In other words, the groups constitute the membership; is that right?

Mr. WITT. That is correct.

Senator McCARRAN. And is there anywhere available a printed statement as to the membership of the individual groups, the active membership?

Mr. WITT. Well, I doubt that the federation would have that. Perhaps the individual organizations which are affiliated—

Senator McCARRAN (interposing). My thought was that before you would admit a group to membership in your federation you would want to know who constituted the group. For instance, if there were a group in California, or Montana, or some other place, applying to your federation for membership, naturally I take it that you would want to know of whom that membership consisted.

Mr. WITT. Well, I am not sure I would agree with you as to that.

Senator McCARRAN. Well, you would not take, I am quite sure, you would not take in a group that applied for membership if you knew there were a half a dozen Al Capones in it. I just use that name because it comes to my thought—who were active in the group, would you?

Mr. WITT. Well, if that came to our attention.

Our general purposes are so simple and so clear that we do not run into these difficulties, Senator, you are apparently concerned with.

Senator McCARRAN. You have an executive staff?

Mr. WITT. Well, we have a staff, a full-time staff of three or four people and we have an executive board which meets monthly, composed of various people around the country.

Senator McKELLAR. Let me ask you about this. I see here in this document that it states your program parallels the election platform of the Communist Party of 1940. Is that correct?

Mr. WITT. Well, Senator McKellar, if you are asking me whether we took the Communist Party's election platform of 1940 and set it out in front of us the way this bill is set out and copied that off, the answer to that, of course, is no.

If you are asking me whether our platform contains certain parts which the Communist Party also contains, I am afraid, like your party, the Democratic Party, or like the Republican Party, that there will be some coincidents.

We believe in constitutional liberty. So does your party; so does the Communist Party, as far as I know.

Senator McCARRAN. Were you pointing to me when you referred to the Republican Party?

Mr. WITT. I was pointing generally, Senator.

Senator McKELLAR. Well, this statement says:

AIMS AND PURPOSES OF ORGANIZATION AS OUTLINED IN HOUSE REPORT

NATIONAL FEDERATION OF CONSTITUTIONAL LIBERTIES

This organization was declared by the Department of Justice to be within the scope of Public Law 135 and Public Law 644, Seventy-seventh Congress.

Its program parallels the election platform of the Communist Party—1940—in 16 respects. It was formed in Washington, D. C., in June 1940. Among its aims and purposes as manifested by literature distributed at the time appears to be "oppose all proposals for peacetime conscription"—

is that correct?

Mr. WITT. No, Senator, it is not correct.

May I comment on that?

Mr. McKELLAR. In just one moment. I am nearly through. Then I would like for you to comment on all of it. "Abolition of the Dies Committee;" is that correct?

Mr. WITT. Absolutely correct. We have been heavily engaged in a campaign from the time we organized in June 1940 to abolish the Dies Committee.

Senator McKELLAR (reading).

and confine the F. B. I. to its statutory purposes and put an end to its Gestapo activities.

Mr. WITT. That is true. In the past, wherever we felt that the F. B. I. exceeded its statutory powers and violated civil rights or constitutional liberties, we have expressed our opposition as to that.

Senator McKELLAR. All right, sir.

Mr. WITT. Now, may I make one further comment on what you mentioned, Senator McKellar?

Senator McKELLAR. Anything you like.

Mr. WITT. I am not sure I know what document you are reading from.

Senator McKELLAR. I am reading from the report of the House committee, "Mr. Kerr, from the Committee on Appropriations submitted the following report" as to these gentlemen.

Mr. WITT. Well, we have not seen that.

The statement made there that our program parallels the program of the Communist Party or platform of the Communist Party in 1940 in 16 respects. It states that.

Senator McKELLAR. Yes.

Mr. WITT. I would, without having engaged in the exercise before, I would throw out this challenge. I will take the Democratic Party platform for 1940, the Republican Party platform for 1940, and the Communist Party platform for 1940, and I am convinced that we will find at least, in at least, 16 respects those platforms parallel each other; by which I simply mean this: The National Federation is in favor of the continuance of the Wagner Act. So far as I know, so is the Republican Party. So far as I know, so is the Democratic Party, and the Communist Party is in favor of the continuance of the legislation and the extension of it.

That is not particularly our field, but certainly the Democratic Party would be concerned with that, Senator McKellar, for the benefit of the American people and so on.

The Communist Party today is in favor of the war; so are we; so is the Democratic Party, and so is the Republican Party.

CLAIM THAT SECTION IS UNCONSTITUTIONAL

I was saying in my opinion, as a lawyer, the provision is unconstitutional as it violates the doctrine of the separation of powers—

Senator McCARRAN (interposing). You are proposing the elimination of that provision from the bill?

Mr. WITT. Yes, sir; section 304.

Senator McCARRAN. You claim that that is unconstitutional in your statement?

Mr. WITT. Yes, sir; I do.

Senator McCARRAN. As to what provision in the Constitution?

Mr. WITT. Well, I cannot cite the specific provision of the Constitution; but the constitutional doctrine of separation of powers, which the Supreme Court has dealt with in scores of cases.

Senator McCARRAN. Separation of powers between the legislative and the executive?

Mr. WITT. Separation of powers between the legislative and the Executive.

And, of the five principal cases I have mentioned, perhaps the most famous case on this question, decided not so very long ago is the case of *Meyers v. United States*, which Secretary Ickes quoted to you yesterday.

Now, there is very little doubt, in my mind, that this provision does violate the doctrine.

I did not plan to take up your time on this discussion.

POWER OF CONGRESS

Senator McCARRAN. The Congress of the United States is charged with the obligation of making these appropriations from the Federal Treasury. That is specific, is it not?

Mr. WITT. Yes, sir.

Senator McCARRAN. Appropriations must come from the Congress and must be initiated in the House of Representatives.

Mr. WITT. There is no question about that.

Senator McCARRAN. That is correct?

Mr. WITT. That is correct.

Senator THOMAS. I will take exception to that last statement.

Mr. WITT. What is that?

Senator THOMAS. That it has to be initiated in the House of Representatives. They hold that it does. They hold that appropriating money is raising revenue. I disagree with that.

Senator McCARRAN. I have gone on that general theory.

Senator THOMAS. That is the policy, but I disagree with the soundness of it.

Senator McKELLAR. I am inclined to agree with Senator Thomas on that.

Mr. WITT. In any event, I agree with you, with all due respect to the other Senators.

Senator McCARRAN. In any event, it has got to come through Congress.

Mr. WITT. Yes.

Senator McCARRAN. Now, cannot Congress eliminate appropriations for any specific purpose?

Mr. WITT. Well, put in that general form, Senator, perhaps I agree with you, in the form you put the question; but put in the form or proposal raised by section 304, I do not.

Senator McCARRAN. What does section 304 propose to do?

Mr. WITT. It provides in very simple terms that no moneys appropriated by this legislation shall be used to pay the salary, for example, of Robert Morss Lovett.

Senator McKELLAR. Would you feel like employing a man who said that you were rotten to the core or rotten?

Mr. WITT. Well, that is a different question, Senator. It may be that I would not, so far as this question is concerned. If I were Sec-

retary of the Interior it may be that if Robert Morss Lovett said at any particular time that I, or my department, was rotten, or I was, or the Government was, perhaps I would take that into consideration, together with everything else; but the real question concerns the power of the Congress to act.

LETTER FROM MR. LOVETT TO MR. GORDIN DENOUNCING UNITED STATES GOVERNMENT AS "ROTTEN"

Senator McKELLAR. I will read you a letter:

DEAR GORDIN: I have your book *Utopia in Chains* and am sending it to Dr. Jerome Davis—the best reviewer I can think of for books and the early days of the Russian revolution. I hope it will be very successful. I assure you there was no "reversal of attitude" on my part. I was anxious to have the book published as a human story, not caring in the least whether it reflects on the Russian Government, or the United States Government, or any other—all, in my opinion, being rotten.

That is signed by Robert M. Lovett.

Now, here is a man who is working for a Government that he denounces as being rotten.

I am not indicating how I am going to vote on this provision of the bill because there are other considerations to be had, but I doubt if I would employ a man who said that I was rotten, and I doubt if my Government, which I think is the best Government on God's earth, should employ a man who would boldly write that it was a rotten Government.

Mr. WITT. May I comment on that, Senator?

Senator McKELLAR. Yes, sir.

Mr. WITT. Senator, with all due respect to you, I think we have to take that statement from two points of view:

1. We have to ask ourselves just what Professor Lovett meant when he said the Government was rotten.

2. We have to ask ourselves at what time that statement was made and with reference to what particular activity of the Government.

Now, in the first question, as Secretary Ickes pointed out yesterday, I believe, to your committee, this form of statement that the Government is rotten is the form of statement which has been made in American political life; perhaps not just rotten, but a synonym of rotten, or a similar term, has been made in American political life thousands of times—hundreds of thousands of times—and if given an opportunity we can undoubtedly dig up from recent utterances of members of the Republican Party statements of inefficiency, not honest, referring to the New Deal as rotten, as this Government is rotten, meaning that the particular administration which was in power at that time.

Now, I think, if you will investigate that utterance very carefully, and if you will investigate what Professor Lovett himself would say about it—I doubt whether it would clear it up for me to comment on it 2 hours—but I think you would find what he was talking about.

Remember that that statement was made when the Republican Party was in power—when the country had had disclosures—such as the Teapot Dome in 1926; and I must say, with all due respect to the Republican members of the committee, that I was old enough to have some opinions about politics at that time, and if I had been asked to express my views I would have said also at that time that the Govern-

ment was rotten—not meaning our form of government but meaning the particular people in power.

Now, if you give that any consideration at all, you will find that that is what Professor Lovett meant.

You will find nowhere, so far as I know, in his writings and in his utterings, you will find nowhere is an attack upon our form of government as such made, and that is what we are talking about here, and, unfortunately, it seems we are not talking about improper contacts, which are the contacts of this war.

Now, certainly, if there is one question we should ask these people, assuming that Congress has power to deal with the question this way, certainly if there is one question that should be asked under present conditions, that question is, "How do you stand about this war?"

Now, we have not seen any transcript of the Kerr committee proceedings. No Member of the House has seen a transcript of the proceedings. No member of this committee has seen a transcript.

I am convinced that the committee did not inquire into that aspect, that question. They are not inquiring into his loyalty or his attitude on the war and all of the evidence we have, scanty though it is, demonstrates that these people whom they are trying to deal with in section 304, have committed the crime of fighting our enemies earlier than some other persons, many other persons; earlier than Congressman Kerr did; earlier than Congressman Dies did.

The people to be barred from employment are to be held up to ridicule and contempt before their countrymen as being subversive, because they saw the danger which faced this country before most other people did.

Now, that is the major point we want to leave with the committee. Senator McKELLAR. All right, sir; anything further?

Mr. WITT. The difficulty with the proceedings of the Kerr committee is that the Kerr committee did not address itself to the only major question that it should be concerned with today. That is, the question of the activities and attitude with relation to the bitter war in which this country is engaged.

Now, as to the superiors of all three men: The military authorities who had occasion to work with them will testify that they are completely loyal; that they are fitted for their work and are completely devoted to it and can be depended upon, when fighting a war against our Axis enemies.

So, to sum up for a half a moment: It is our opinion that the provision is clearly unconstitutional.

SECTION IS BILL OF ATTAINDER

I did not get the second major ground, which is that it is a bill of attainder, but I do not care to spend my time on that. The second question is the matter of policy.

We think it is wrong for the Congress to try to use its machinery to pass on the fitness of particular Government employees. But, more important; more important, we think, it represents a terrible mistake; a terrible mistake under present conditions when we are engaged in this war, to inquire into the fitness of public officials from any other point of view than the individual's attitude towards the

war and his loyalty to the purposes to which most of us today are committed.

I will gladly answer any further questions.

Senator McKELLAR. Do any other members of your delegation desire to be heard? Mr. Marshall perhaps may desire to add something.

Mr. MARSHALL. I do not think so, unless you might ask me some questions. I might ask whether we will be permitted to extend our statements for your hearings, without taking any further of your time just now.

Senator McKELLAR. Well, I do not think it will be necessary to do that. I do not know. If you have any opinions to express, if you have something there, that may be proper. I do not want you to put a long statement in the record.

Mr. WITT. We did not have anything particularly. One thing is, we did not have much notice of this hearing. I did not prepare a statement. I did not know whether it would be allowed.

Senator McKELLAR. If there is anything you have omitted, if you will write me, we will consider then whether it should go into the record or not. We would be very glad for you to do that.

Mr. WITT. Thank you.

Senator McKELLAR. We want you to be fully heard, of course. If there is anything further you wish to say we will be glad to hear you.

Mr. MARSHALL. No; I do not believe so. I think that probably covers the ground.

Mr. WITT. We thank you very much, Senator McKellar, for granting us this hearing.

Senator McKELLAR. All right, Mr. Popper, what have you to say?

STATEMENT OF MARTIN POPPER, NATIONAL EXECUTIVE SECRETARY, NATIONAL LAWYERS' GUILD, NEW YORK CITY, N. Y.

Mr. POPPER. Mr. Chairman, I am the national executive secretary of the National Lawyers' Guild.

MEMBERSHIP OF NATIONAL LAWYERS' GUILD

Senator McKELLAR. Just what is the National Lawyers' Guild?

Mr. POPPER. The National Lawyers' Guild is a national association of lawyers having chapters and members in all States of the Union.

Senator McKELLAR. About how many members?

Mr. POPPER. About 3,500 members.

Senator McKELLAR. Who is your representative in Memphis, Tenn., where I live?

Mr. POPPER. Well, we do not have any representative. We have members. All the members of the bar in any State are eligible to membership in the association.

Senator McKELLAR. I was just wondering if you had a representative in Memphis.

Mr. POPPER. No; I do not really know.

Senator THOMAS. What is the purpose of your organization?

Mr. POPPER. The purpose of our organization is to develop a program for the mutual welfare of the profession and generally for the national welfare.

Senator McKELLAR. Are you a member of the American Bar Association?

Mr. POPPER. I think we have members of the American Bar Association.

Senator McKELLAR. I mean to say—

Mr. POPPER. The American Bar Association is an organization of lawyers in the same sense as the National Lawyers' Guild, having both individual members and associations.

Senator McKELLAR. You do not happen to belong to the American Bar Association?

Mr. POPPER. No; I do not happen to belong to it.

I might add that members of the American Bar Association and the National Lawyers' Guild are cooperating on many projects.

Senator THOMAS. Do many lawyers belong to both?

Mr. POPPER. Yes; many lawyers belong to both organizations. I might add that we might send the Senator an application.

Senator McKELLAR. I am not a great man for joining things. I rarely ever join anything unless it is something unusual.

Mr. POPPER. I might add for the record that the national president of my organization is Hon. Robert W. Kenny, the attorney general of California.

There is another organization of lawyers which more or less specializes in activities devoted to the development of legal procedures, which is a comparatively small organization, and which deals mainly in the publication of legal articles.

ELIMINATION OF SECTION 304 ON BASIS THAT IT IS UNCONSTITUTIONAL

I am appearing on behalf of my organization to urge the Senate committee to strike from the deficiency appropriation bill section 304, which seeks to deny use of the appropriation for the employment of Messrs. Robert Morss Lovett, Goodwin B. Watson, and William E. Dodd, Jr.

For the purpose of this hearing, our opposition to this section and our request that it be stricken out is based upon the fact that we deem it unconstitutional.

When I say that I am not merely indicating that we desire to make a technical objection, though, of course, it is true that anything that is unconstitutional is not merely technical. It goes to the very heart of our democratic institutions.

Senator McKELLAR. Do you know of any cases similar to these?

Mr. POPPER. Yes.

Senator McKELLAR. I would be very glad to have you present any cases that you have in which it has been declared that a similar provision is clearly unconstitutional.

Mr. POPPER. I will be very happy to do that.

Senator, I would like permission to file a memorandum for the benefit of the committee.

Senator McKELLAR. If it is not too long, that is all right.

Mr. POPPER. It will not be too long. It will be very concrete and specific.

Senator McKELLAR. Will you prepare it and submit it to the clerk of the committee?

Mr. POPPER. Thank you, Senator.

Senator McKELLAR. And we will determine whether or not it should go into the record after we examine it. I do not think that we ought to unduly encumber the record with a long statement.

Mr. POPPER. It will be as brief as possible and concrete.

As I stated, the problem of constitutionality is never a technical one. In this case it goes to the very heart of our form of government and our democratic institutions, because we feel, in effect, that under the guise of investigating subversive activities, the House in recommending section 304 of this bill, so to speak, to the Senate, has itself subverted the Constitution. That is very serious, particularly at this time, when the Constitution is the most basic instrumentality which we have to attain the democratic unity of the people of our country for the winning of this war upon which, of course, depends the survival of our Nation and the Constitution itself.

We contend that it is unconstitutional on three grounds.

SECTION 18 BILL OF ATTAINDER

In the first place, it is a bill of attainder, under article I, section 9, of the Constitution.

A bill of attainder, as defined by the United States Supreme Court in the case of *Cummings v. Missouri* (71 P. S., 277) is "a legislative act which inflicts punishment without a judicial trial."

Now, punishment has been defined by the Supreme Court as "the deprivation of any rights, civil or political, previously enjoyed" or deprivation of any office or position in the Federal Government.

So that the deprivation by legislative enactment of the offices which these three gentlemen held without judicial trial, is a bill of attainder.

It is not anything new to the Congress of the United States and particularly to the Senate, which has always been so zealous in safeguarding constitutional rights.

Uniformly, with hardly any exceptions that we can find, the Congress of the United States has refused to enact legislation directed against named individuals; removing from office through the method of appropriations, or otherwise, named individuals by legislative enactment.

Senator McKELLAR. There was an exception to that in the case of David Lasser.

Mr. POPPER. Yes. I should like to discuss that, if the Senator please.

Senator McKELLAR. And I recall Mr. Lasser was appointed to another job in the Government. Is that correct?

Mr. POPPER. Yes, sir.

Senator McKELLAR. And accepted, after the Congress had acted on that.

Mr. POPPER. And I understand he was appointed to the new job after approval by the House Appropriations Committee; but I might add that the case of David Lasser in no sense contravenes the general principles adopted by the Congress, because it so happens, although a rider was passed in his case, the constitutional point was not raised.

Senator McKELLAR. Well, Mr. Lasser had an opportunity to raise it if he wanted to.

Mr. POPPER. What I mean by that, is that no member of the Senate raised the point, so inferentially, it was not before the Senate.

Senator OVERTON. Let me ask you a question. You consider this provision operates as a bill of attainder, because it withholds compensation for services to be rendered.

Mr. POPPER. Because it in effect removes from public office or from Federal office, or from such offices a named individual, by legislative enactment, without judicial trial.

Senator OVERTON. It does not do that at all. It simply says no compensation shall be paid.

Mr. POPPER. That is correct; but the appropriations power of Congress cannot be used in such a way that its effect is a removal from office—a removal from a Federal office of a named individual—because by so doing it is an encroachment upon the Executive's power, which is the only power under the Constitution that has the right to remove from office a Federal officer appointed by the Executive.

Senator OVERTON. Now, Lovett's salary, I believe, is \$5,600 a year. Suppose there was a provision in this bill which reduced his salary to \$2,000 a year, would that be a bill of attainder?

Mr. POPPER. Do you mean if the provision stated definitely that the salary of Mr. Lovett would be reduced to \$2,000?

Senator OVERTON. A provision to the effect that the salary while occupied by the present incumbent shall be \$2,000.

Mr. POPPER. Yes, sir; based upon the same circumstances upon which this section of the bill has been written, I would say that that was a bill of attainder, because that might be the kind of punishment prohibited by the Constitution. One of the five principal cases which are relied upon and which prove beyond a doubt, in our opinion, that this kind of legislation is a bill of attainder is the so-called Hunt case. Some of the members of the committee might recall, Colonel Hunt was the officer from whose custody Grover Cleveland Bergdoll escaped, and the War Department bill, 1925, reported by the Appropriations Committee of the House, provided that no part of that appropriation should be paid to Colonel Hunt on the grounds generally that he had not been duly diligent in allowing Mr. Bergdoll to escape.

The Senate committee, and the Senate, struck out that provision on the ground that it was a bill of attainder, and if the members of the committee would like me to, I would be glad to read some of the debates, or a portion of the debates, by some of the distinguished Senators who maintained successfully that it was a bill of attainder. Among them, of course, are Senator Dickinson of Iowa and Senator Newton of Minnesota, all of whom said that it was a bill of attainder and stated that an appropriation in this way would destroy the dignity of the Congress, that it was contrary to the traditions of the Congress; that it would impair the constitutional right of American citizens.

Next came the Cresson case. That is a case of the judge advocate who had defended Colonel Hunt—successfully defended him. Colonel Hunt was released and the appropriation bill thereby sought to exclude the judge advocate from holding office, by not appropriating, by refusing to appropriate for that office. And again, the Senate struck that out on the ground that it was a bill of attainder.

A third case involved J. Ross Eakin, superintendent of the Great Smoky Mountain National Park, who was charged with misuse of funds. An amendment was offered from the floor of the Senate to the 1940 Interior Department appropriation bill to the effect that no part

of that appropriation should be available for the payment of the salary of the superintendent of the Great Smoky Mountain National Park. The amendment was vigorously objected to on the ground that it was an improper way for Congress to attempt to punish wrongdoing, and was defeated upon the same grounds.

The next case involved an amendment to the Independent Offices Appropriation Act, 1943, approved by the House, to the effect that no part of that appropriation should be used to pay the salary of Goodwin Watson, and that was stricken out on the same grounds.

CLAIM THAT CONGRESS HAS RIGHT OF REMOVAL ONLY BY IMPEACHMENT

Now, if Congress has any right to remove a Federal officer—and it has—there is only one method the Congress can use in doing so, and that method, of course, is in the Constitution. That is the method of impeachment proceedings, as provided in the Constitution of the United States.

Senator MCKELLAR. If you were interested in the matter, why did you not raise the question of the constitutionality when you had such a fine opportunity in the Lasser case?

Mr. POPPER. Well, if the Senator please, I should say that we were remiss in not doing so, and I am sorry we did not do so, but there are so many problems and so many issues raised from day to day that we, like many distinguished Senators, just do not have an opportunity to raise all of the issues whenever we would like to do so. I am sorry we did not do so, because I think had we presented to the members of the Senate committee at that time the law and the precedents which have been established both by the courts and by the Senate, the Senate committee in its zealous safeguarding of constitutional rights would probably have listened to us at that time.

With regard to the constitutional provision giving Congress the right to remove Federal officers, as I stated before, the sole method which Congress can use is the impeachment procedure. That is article II, section 4, which provides:

The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

It is clear from the constitutional debates that the power of impeachment was intended to be the sole means for congressional removal of executive employees.

As a matter of fact, other methods were proposed in the Constitutional Convention, among them the bill of attainder method, and they were all voted down.

James Madison, in the Journal of the Convention, indicates that John Dickinson moved several amendments which would have given Congress other powers than the impeachment powers, and in each case they were voted down. So it is clear from a reading of the proceedings of the Constitutional Convention as quoted in James Madison's journal, Congress' powers to remove Federal officers was limited to the impeachment procedure.

The constitutional authors were guided by very sound principles, namely, the fact that the legislative branch of the Government is not set up for judicial purposes; that it is not an impartial tribunal in the

same sense as the judiciary; that it does not have the machinery necessary for a full and impartial hearing to which an accused person is entitled.

Senator LODGE. Will you just excuse me for a moment?

Mr. POPPER. Yes, Senator.

Senator LODGE. Mr. Chairman, I was in another meeting all morning, in the Military Affairs Committee, and so was unable to be here and hear all of this evidence.

Has someone a provision before us to the effect that someone be removed from the Federal service; has a motion been made?

Senator McKELLAR. No motion has been made. There is a provision in the House bill, on page 36, that no part of the appropriation in this bill shall be used to pay Goodwin B. Watson, William E. Dodd, Jr., or Robert Morss Lovett.

Senator LODGE. Has anyone requested the committee to remove the funds for those three men?

Senator McKELLAR. Not that I know of.

Mr. POPPER. Except that the bill before the committee, Senator Lodge, is a bill coming from the House containing a section which states—

Senator LODGE (interposing). I am well aware of that; but I wanted to know if anybody had taken the trouble to appear over here and request that we incorporate that provision in this bill.

Senator McKELLAR. No; no one has.

Senator OVERTON. Of course this does not constitute a removal.

Mr. POPPER. Well, in connection with what I said before, Senator—

Senator OVERTON (continuing). And assuming that we should say that no part of the funds should be paid to them, if they have independent means of their own, they would be able to serve their country in its difficulty. If they were willing to serve it without compensation, then they could do so.

Mr. POPPER. Well, except, Senator, the fact is that the Congress may appropriate, but it must appropriate constitutionally; that is to say, it must use its appropriating power within the limits that the Constitution provides for it.

We maintain that it could not so appropriate, that the effect of the appropriation is a bill of attainder in that it seeks the removal of a Federal officer or a civil officer by another method than the impeachment method, and we also claim that it is unconstitutional because it violates the basic concepts of the separation of powers.

Senator OVERTON. I am not in sympathy with this provision as contained in the House bill on other grounds, but I do not know that I follow your constitutional argument.

Mr. POPPER. Well, may I add that our opposition to this section is based upon both the constitutional grounds and on the social grounds, and upon its injurious effect upon the Nation's war effort and national unity. So that, if the Senator feels that it is his duty to vote against it on any grounds, we are very happy.

The courts have indicated time and time again that the only method by which Congress can exercise the power of removal of a civil officer is through the method of impeachment.

That, too, is grounds for declaring this section unconstitutional.

SECTION VIOLATES CONSTITUTIONAL PRINCIPLE OF SEPARATION OF POWER

And finally we feel that the proposed rider violates the constitutional principle of the separation of power. No principle is more firmly rooted in the Constitution of the United States than the principle of the separation of the legislative, executive, and judicial powers, especially with respect to the appointment of officers.

I think a quotation from James Madison, a rather brief one, would be enlightening. He stated in 1 Annals of Congress 581:

If there is a principle in our Constitution, indeed, in any free constitution, more sacred than another, it is that which separates the legislative, executive, and judicial powers. If there is any point in which the separation of the legislative and executive powers ought to be maintained with great caution, it is that which relates to officers and offices. * * *

The powers relative to offices are partly legislative and partly executive. The legislature creates the office, defines the powers, limits its duration, and annexes a compensation. This done, the legislative power ceases.

Our Supreme Court, of course, has followed this fundamental policy laid down by our forefathers, so clearly enunciated by James Madison.

It has been urged, however, that Congress has complete control over appropriations and may, therefore, appropriate or not appropriate as it sees fit. This argument, however, proves too much, for while it may be true that in many situations no court can review the action of Congress in appropriating or failing to appropriate money, nevertheless it is clear that Congress as such, as any other department of the Government, is under the obligation of adhering to the Constitution whether or not its action can be reviewed in the courts. If the view that Congress' power of appropriation is not subject to constitutional restraints were to be adopted, then Congress could lawfully refuse to appropriate for the salaries for the President of the United States or the Vice President of the United States.

Senator THOMAS. Let me ask you a question at this point.

Mr. POPPER. Yes, sir.

Senator THOMAS. We have now in the public service a board known as the National Resources and Planning Board. The Board is staffed with managers and personnel. The Congress to date has refused and is refusing to appropriate to continue that Board. Do you hold that under the law that that is a bill of attainder as against personnel in the executive department?

Mr. POPPER. No; the Congress has a perfect right to create or end the existence of any agency of the Government, except those created by the Constitution itself.

Senator THOMAS. We are not ending the existence of the agency, but simply failing to provide funds for it to render service.

Mr. POPPER. That is correct; but in effect, that is not a legislative enactment directed against an individual, without the right of trial.

Senator THOMAS. It does not abolish the agency but merely refuses to appropriate the money to pay the expenses of the agency.

Mr. POPPER. That is correct.

Senator THOMAS. There is no difference except in this case the men are named and in the other case they are known but their names are not written into the law.

Mr. POPPER. Well, there is a very important difference. In other words, in one case what we are doing is establishing a policy of Con-

gress that it does not wish to appropriate moneys for the existence of an agency having certain purposes and the other case what we are doing is passing a bill which punishes a particular individual by removing him from office, or refusing to appropriate for the continuance of his office without giving him a judicial hearing.

Senator McKELLAR. We have now been in session since 10:30 and it is now 2 o'clock, and I want to ask two or three questions, and I think I will let you put in the record what you think is important for us to have.

Mr. POPPER. Very well.

Senator McKELLAR. I want to ask this question though of all three of you witnesses:

Which of the different parties, political parties do you belong to?

Mr. POPPER. I am a member of the American Labor Party in New York City.

Senator McKELLAR. And no other party?

Mr. POPPER. No other party.

Senator McKELLAR. And you?

Mr. WITT. I am a member of the Democratic Party in New York City.

Mr. MARSHALL. I am a member of the American Labor Party.

Senator McKELLAR. All right; and no other party?

Mr. MARSHALL. No.

Senator McKELLAR. I want to ask whether either of you have ever voted the Communist ticket.

Mr. MARSHALL. I have not.

Mr. WITT. I have not.

Mr. POPPER. I have not.

Mr. WITT. It is unfortunate that we did not bring along one or two Republicans.

Senator LODGE. Why do you say it is unfortunate? I have worked with Democrats so long now that I enjoy it.

Mr. POPPER. Might I add one other word? Although our main opposition, Senator, today was on constitutional grounds, it is also based upon the more fundamental theory that the passage or enactment of this section of the bill would be seriously detrimental to the war effort of the United States in that it would injure our national unity at a time when that is more important than any other factor in our national life.

Senator McCARRAN. It is not for the individuals involved or the persons involved that you are appearing?

Mr. POPPER. It is the principle involved, Senator. I happen not to know any of these individuals personally, but I defend the right of any individual to be safeguarded under the laws and Constitution of the United States. I believe that the principle involved in this case goes to the very heart of that which we are fighting to defend and the safeguarding of which is essential to victory.

Senator McKELLAR. For the record I submit two letters endorsing Mr. Robert Morss Lovett; also statement from Miss Eleanor Nelson, secretary-treasurer, United Federal Workers of America, C. I. O.

NEW YORK, May 19, 1943.

THE CASE OF PROF. ROBERT MORSS LOVETT, NOW GOVERNMENT SECRETARY OF THE VIRGIN ISLANDS

HON. CARTER GLASS,

United States Senate Office Building, Washington, D. C.

DEAR SENATOR GLASS: I understand that the Appropriations Committee of the Senate is to hold a hearing tomorrow, Thursday, on this case as resulting from the action of the House Appropriations Committee striking out the item provided for Dr. Lovett's salary. Informal inquiry was made of me as to whether I cared to come over and testify before the committee of which you are chairman as to my long friendship with Dr. Lovett and my faith in him.

I am, however, under great pressure for the moment and have thought that my testimony could be as useful if I gave it in writing rather than orally. Accordingly, I attach herewith a copy of the letter I filed some 3 weeks ago with the subcommittee of the House Appropriations Committee; also copy of a telegram which I addressed to Secretary of the Interior Ickes in support of his protest against the action of the House committee. In this connection also I attach copy of letter addressed to the House subcommittee by Judge Learned Hand of the United States circuit court who, like myself, was a student at Harvard College with Lovett. (See p. 10 for letter and telegram.)

I can add nothing to these statements except to say that while I have differed very decidedly from Lovett in certain of his political tenets, he is the last man in the world to fear as an enemy to his country. He has always been so strong for the under dog, the underprivileged, etc., that he has been an easy joiner of various organizations and probably has shown poor judgment in allowing his name to be enrolled with some of them. But that is all. My statements speak for themselves.

I venture respectfully to hope that if you yourself are not planning to attend the hearings scheduled for tomorrow you may see your way clear to let the committee have the benefit of your own views which I know from long experience are always liberal, always sane, and always tolerant.

With sincere regard, I am,

Faithfully yours,

THOMAS W. LAMONT.

P. S.—I understand that the House committee was profoundly shocked that they found on the record a statement from Lovett to the effect that he didn't think either you Democrats or we Republicans were capable of handling the country very well, and then he mentioned he was going to vote for Norman Thomas.

T. W. L.

Enclosure.

APRIL 20, 1943.

The Honorable JOHN H. KERR,

House of Representatives, Washington, D. C.

DEAR SIR: I have just been informed that Robert Morss Lovett, secretary to the Governor of the Virgin Islands, as I think he is, has been called to testify before the appropriate committee in Congress in regard to his general status and views, apparently with the idea that there is some question as to his high standing as an American citizen.

For your information, may I say that a good many years back I was a classmate of Robert Lovett's at Harvard College and there formed a high regard for him which, although I have seen comparatively little of him in the intervening years, remains unchanged—regard not only for his intellectual integrity but for his qualities as a useful citizen. He was for many years one of the most outstanding professors of English literature and composition at Chicago University and has done considerable editorial work.

I am wholly unaware of what the charges may be against Mr. Lovett or as to what feature of his life and service may be in question. Writing for the fiftieth annual report of his class at Harvard, which I have before me and which was issued in 1942 and which was apparently dictated prior to Pearl Harbor, Mr. Lovett's views were accurately summarized by him in the following paragraph:

"Looking forward, he is convinced that if Great Britain is defeated in the present war, the United States will be committed to a policy of preparation for

national defense for an indefinite time, with all the uncertainties and repressions characteristic of such a period. He is, therefore, in favor of all aid to Britain, whatever the risk of provoking Germany to declare war. The defense of the world against Hitler is as important as the defense of Europe against Allah in the Middle Ages, and if it is successful, he hopes for a general readjustment in the direction of economic as well as political democracy."

Mr. Lovett has, I hope and believe, always been a liberal thinker. At times he has been what is called radical, but never, I am sure, in any sense that would indicate subversive ideas or activities in regard to his own country. I have always considered him to be an extraordinarily pure-minded and conscientious citizen.

Respectfully yours,

THOMAS W. LAMONT.

OFFICE OF PRICE ADMINISTRATION,
Washington, D. C., May 20, 1943.

CHAIRMAN, DEFICIENCY SUBCOMMITTEE,
Senate Committee on Appropriations.
United States Senate.

DEAR SIR: I should like to express my deep distress at the action taken by the House of Representatives in singling out Robert Morss Lovett, Government Secretary of the Virgin Islands, for removal from the Federal pay roll.

Leaving entirely aside the grave constitutional aspects of the matter, I believe that the removal of Mr. Lovett would not only be doing a great injustice to him, but would also impair seriously the prestige and effectiveness of the United States in the Virgin Islands. I have known Mr. Lovett intimately for the last 3 years; first in my capacity as Director of the Division of Territories, Department of the Interior, and then as Regional Administrator for the Territories for the Office of Price Administration. I cannot remember having met in that time any individual who is more fully devoted to the job which he is doing than Mr. Lovett, and I know no one who more fully deserves the respect and admiration of his fellow citizens. He has made himself truly beloved by the people of the Virgin Islands, and he has labored steadfastly and courageously on their behalf. He has established a long and admirable record of courageous civic action in this country, a record of vision and patriotism. In my opinion, it would be a vicious and utterly unjustified action to force his removal from office, and I can only hope that your committee will see fit to retain him in the post in which he has rendered loyal and distinguished service.

Sincerely yours,

RUPERT EMERSON,
Regional Administrator, Region IX.

STATEMENT OF ELEANOR NELSON, SECRETARY-TREASURER, UNITED FEDERAL WORKERS OF AMERICA, CONGRESS OF INDUSTRIAL ORGANIZATIONS, TO THE SENATE APPROPRIATIONS COMMITTEE

On behalf of the United Federal Workers of America, Congress of Industrial Organizations, representing some 30,000 Federal workers throughout the country, we should like to state our serious opposition to section 304 of H. R. 2714 now before this committee. The unconstitutionality of this section has been clearly described by Secretary of Interior Ickes in his statement to your committee yesterday. He convincingly demonstrated that the proposed rider invades the Executive powers of the President; and further demonstrated that it is invalid as a bill of attainder. We also completely concur in his indictment of the methods of the Kerr committee as unfair and un-American in condemning men to whom charges have never been presented, who have never been granted a hearing with counsel, and who have never even seen a transcription of the proceedings of the committee.

We deeply regret that the Congressmen serving on the Kerr committee, some of whom are men of distinguished standing, should have been swayed by the pressures of "Dies hysteria." We sincerely believe that the abandonment of justice and reason, which has accompanied the entire attack on Federal workers initiated by Congressman Dies, constitutes the gravest threat to American institutions and democracy. Historically our Nation has learned through ex-

perience the dangers of such hysteria. In the early days of our Republic, just before the close of the eighteenth century, the sedition law was passed through the influence of Tories and Royalists for the purpose of putting down the rising tide of democratic strength. Under this law many Jeffersonian Democrats, including a Member of Congress, were imprisoned through the branding as "sedition" of their outspoken adherence to democratic rights. Fortunately, this temporary abandonment of democratic rights was defeated through the active leadership of Thomas Jefferson and John Marshall. Every American now knows that the false cry of sedition was raised to attack Americans whose patriotism was beyond question because of their courageous adherence to the rights of the common man.

Today, the cry "subversive" is being similarly to attack the most effective anti-Fascists in the United States, and the total war program of the President. It is this aspect of the situation which causes our organization the deepest concern. The excellent character, abilities, and loyalties of the three men directly named in section 304, Robert Morss Lovett, William E. Dodd, Jr., and Goodwin Watson, has been amply demonstrated by the Interior Department and the Federal Communications Commission. The Senate, however, needs to give serious attention to the reason which led to the appearance of the names of these men on the Dies list and the list turned over to the Kerr committee. Secretary Ickes has ably demonstrated that this list originated in the testimony before the Dies committee of Walter S. Steele, a known spokesman for Fascist and semi-Fascist groups. The history of the last few months has shown the country that the Red-baiting attacks of men like Steele on anti-Fascists were designed to obscure and divert attention from their own Fascist activities, and to attempt to break the unity of the United Nations by creating hysteria around the Red bogey. It is doubly regrettable that the Attorney General of the United States, a member of our War Cabinet, has seen fit to use the Steele list. It must be pointed out, however, that the Attorney General's report to Congress stated that mere membership in so-called Communist front organizations on this list was not evidence of subversive activity. If, however, the Senate will read this list, and if it will inquire into the programs of the organizations, it will note that every one of them branded as Red concern themselves with anti-Fascist activity, and express the growing fear of the citizens of this country of the Axis threat.

The United Federal Workers of America has never endorsed the program of these organizations. Our only affiliation is with the Congress of Industrial Organizations. However, we believe it a matter of grave national concern that Congress is allowing itself to be diverted into fighting anti-Fascists at a time when the services of these men are badly needed by our country and when complete unity is essential to national survival. The pro-fascist nature of this attack must be understood by the country. A clarification of the legality of the activity of the organizations listed by Walter Steele must be affirmed. So powerful had become the confusion surrounding this situation that even the distinguished gentlemen on the Kerr committee, in reporting to Congress, quite firmly stated that membership in the so-called front organizations was a violation of the law. This is an unfortunate misstatement. The only laws covering the situation are the Hatch Act, which prohibits from employment any Government employees belonging to organizations advocating the overthrow of the constitutional form of government by force and violence, and similar prohibitions which exist in most appropriation acts. No person has at any time charged the so-called front organizations or the individuals on the Dies list with such activity. As a matter of fact, the courts of the land have not even decreed that the Communist Party falls under this category of organizations, although the Attorney General has in his decision on Harry Bridges stated that that was his belief. We emphasize this fact as there is great confusion apparently existing in the minds of the Members of the House of Representatives and it is our belief that the Nation, in deciding on this question, should decide on the basis of facts and actuality.

Finally, we wish to emphasize to the Senate the serious disruption of Government employee morale which has resulted from the abandonment on the part of certain administrators, and then the House of Representatives, of a just, fair, or even pro-war policy in dealing with them. Not only are they faced with the situation where their constitutional rights are in jeopardy, but they find that any expression on their part in opposition to the nations with which we are engaged in mortal war, or expression of sympathy with our allies, may result in their summary dismissal from the Government of the United States. This is an intolerable situation. Government employees are in the harrowing situation of

learning suddenly that actions or expressions of opinion, made by them under their hitherto unquestioned legal rights, have overnight become "subversive." Thus, repeated reference has been made to the charge that accused individuals have retained membership in organizations after they had been declared subversive. It is extremely important to remember that no such determination has ever been made publicly or officially. The Attorney General circulated privately a list of so-called subversive organizations to the heads of Government agencies, but this list did not appear as an official ruling of the Attorney General, nor was it made a matter of public record.

We close by quoting from a letter from John Marshall, dated September 20, 1798, which could be spoken equally well today with reference to the Kerr amendment:

"* * * They [the alien and sedition laws] are calculated to create unnecessary discontent and jealousies at a time when our very existence as a nation may depend on our union."

Senator McKELLAR. The committee will stand adjourned.
(Thereupon, at 2 p. m., the subcommittee adjourned.)



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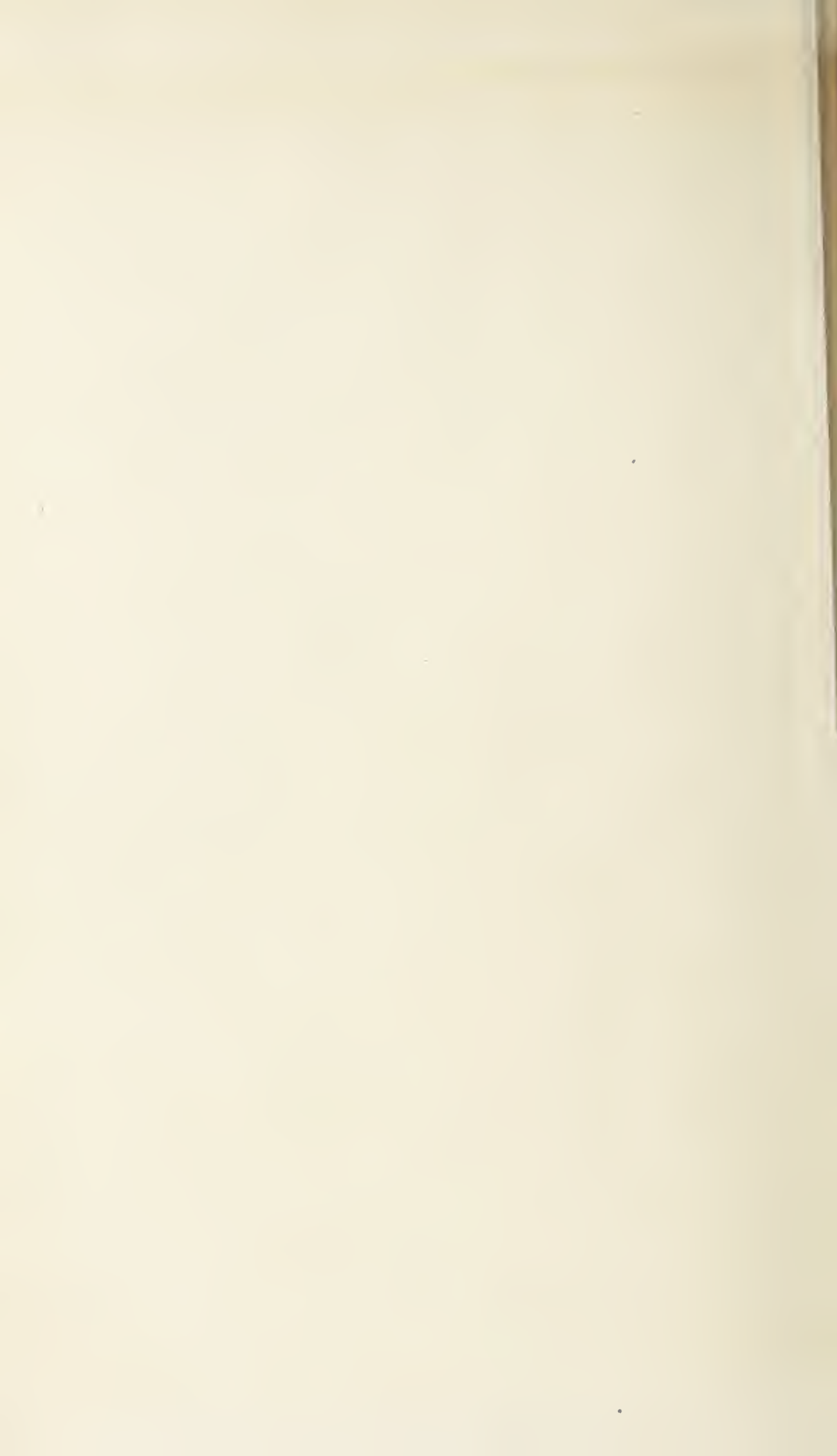
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Calendar No. 269

78TH CONGRESS
1ST SESSION

H. R. 2714

[Report No. 264]

IN THE SENATE OF THE UNITED STATES

MAY 19, 1943

Read twice and referred to the Committee on Appropriations

MAY 26, 1943

Reported, under authority of the order of the Senate of May 24, 1943, by
Mr. McKELLAR, with amendments

[Omit the part struck through and insert the part printed in *italic*]

AN ACT

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, to supply urgent
5 deficiencies in certain appropriations for the fiscal year ending
6 June 30, 1943, and for prior fiscal years, and for other
7 purposes, namely:

TITLE I—GENERAL APPROPRIATIONS

LEGISLATIVE

SENATE

Office of the Sergeant at Arms and Doorkeeper: For the payment of twenty-one pages for the Senate Chamber, at \$4 per day each, for the period July 1, 1943, to December 31, 1943, both dates inclusive, \$15,456.

Senate Restaurants: For payment to the Architect of the Capitol in accordance with the Act approved September 9, 1942 (Public Act 709, Seventy-seventh Congress), fiscal year 1943, \$13,592.

HOUSE OF REPRESENTATIVES

For payment of forty-seven pages, including ten pages for duty at the entrances to the Hall of the House, from July 1 to December 31, 1943, both inclusive, at \$4 per day each, \$34,592.

For an additional allowance for stationery of \$300 for each Representative, Delegate, and the Resident Commissioner from Puerto Rico, for the first session of the Seventy-eighth Congress, \$131,400, to remain available until June 30, 1944.

ARCHITECT OF THE CAPITOL

Capitol Buildings: For an additional amount for the Capitol Building, fiscal year 1943, including the same objects specified under this head in the Legislative Branch Appropria-

tion Act, 1943, \$10,600, to remain available until June 30, 1944.

EXECUTIVE OFFICE OF THE PRESIDENT

FOREIGN WAR RELIEF

The appropriation "Foreign war relief" contained in the Second Deficiency Appropriation Act, 1942, is hereby continued available until June 30, 1944.

EMERGENCY FUND FOR THE PRESIDENT

The appropriation "Emergency fund for the President," contained in the First Supplemental National Defense Appropriation Act, 1943, as supplemented by the Second Supplemental National Defense Appropriation Act, 1943, is hereby continued available until June 30, 1944, and the limitation on the amount which may be expended for objects of a confidential nature is hereby increased by \$25,000,000: *Provided*, That no part of the funds continued available by this paragraph shall be allotted to or expended for the National Resources Planning Board or the Farm Security Administration or for any of the functions of either said Board or said Administration: *Provided*, That no part of the funds continued available by this paragraph shall be allotted to or expended for any of the functions of any agency of Government for which appropriations have been duly made by the Congress, or for the functions of any agency for which estimates have been submitted by the Budget and for which

5

6 In carrying out the Act of March 11, 1941 (Public Law
7 11), as amended, transfers are authorized to be made from
8 the consolidated appropriation for "Necessary services and
9 expenses" to the consolidated appropriation for "Adminis-
10 trative expenses" and the amounts so transferred shall be
11 reimbursed by transfer from the appropriation first made
12 hereafter for "Administrative expenses" for carrying out such
13 Act as amended.

14

15 War Production Board: For an additional amount for
16 the Office for Emergency Management, War Production
17 Board, fiscal year 1943, including the objects specified for
18 the appropriation under this head in the First Supplemental
19 National Defense Appropriation Act, 1943, and including
20 the purchase or hire of fifteen passenger-carrying automomobiles;
21 reimbursement, at not to exceed 3 cents per mile, of
22 employees for expenses incurred by them in performance of
23 official travel in privately owned automobiles within the
24 limits of their official stations; not to exceed \$20,000 for the
25 temporary employment of persons (including aliens) or

1 organizations by contract or otherwise without regard to the
 2 civil service and classification laws; not to exceed \$1,250,000
 3 additional for scientific research on materials, material sub-
 4 stitutes, and other subjects related to the functions of the
 5 Board; and, in addition to the amounts authorized by section
 6 203 of such Act, not to exceed \$1,207,000 for travel, and
 7 not to exceed ~~\$700,000~~ \$834,000 for printing and binding;
 8 ~~\$4,363,000~~ \$4,597,000.

9 *War Shipping Administration: Notwithstanding the pro-*
 10 *visions of section 203 of the First Supplemental National*
 11 *Defense Appropriation Act, 1943 (Public Law 678), the*
 12 *Office for Emergency Management, War Shipping Adminis-*
 13 *tration, may expend during the fiscal year 1943 not to exceed*
 14 *\$294,430 for travel.*

15 OFFICE OF PRICE ADMINISTRATION

16 For printing and binding for the Office of Price Admin-
 17 istration, fiscal year 1943, in addition to the amount author-
 18 ized by section 203 of the First Supplemental National
 19 Defense Appropriation Act, 1943, \$3,000,000: *Provided,*
 20 *That the limitation on the amount for printing and binding*
 21 *for the Office of Price Administration for such fiscal year*
 22 *shall not apply to obligations incurred for the printing of*
 23 *forms, instructions, regulations, and coupon books incidental*
 24 *to the rationing of commodities.*

1 INDEPENDENT EXECUTIVE AGENCIES

2 BITUMINOUS COAL CONSUMERS' COUNSEL

3 *Salaries and expenses: For the Office of the Bituminous*
 4 *Coal Consumers' Counsel, fiscal year 1943, in carrying out*
 5 *the functions thereof as created by the Bituminous Coal Act*
 6 *of 1937, as amended (15 U. S. C. 849 and 852), as fur-*
 7 *ther amended by the Act of April 24, 1943 (Public Law 40),*
 8 *and as further amended, to be supplemental to and merged*
 9 *with the appropriation under this head in the Independent*
 10 *Offices Appropriation Act, 1943, and to be available for the*
 11 *same objects of expenditure, \$16,000, to continue available*
 12 *during the fiscal year 1944: Provided, That this appropria-*
 13 *tion shall not be available for obligation unless and until*
 14 *there shall have been enacted a further extension of said Act.*

15 FEDERAL SECURITY AGENCY

16 PUBLIC HEALTH SERVICE

17 *Miscellaneous and contingent expenses: For an addi-*
 18 *tional amount for "Miscellaneous and contingent expenses",*
 19 *fiscal year 1943, including the objects specified under this*
 20 *head in the Federal Security Agency Appropriation Act,*
 21 *1943, \$31,000.*

22 *Training for nurses, Public Health Service (national*
 23 *defense) : For an additional amount for "Training for nurses*
 24 *(national defense)", fiscal year 1943, including the objects*

1 specified under this head in the Federal Security Agency
2 Appropriation Act, 1943, \$609,000.

3 FREEDMEN'S HOSPITAL

4 Miscellaneous expenses: For an additional amount for
5 "Miscellaneous expenses", Freedmen's Hospital, fiscal year
6 1943, including the objects specified under this head in the
7 Federal Security Agency Appropriation Act, 1943, \$55,000:
8 *Provided*, That the foregoing appropriation shall be charge-
9 able to the District of Columbia as specified under this head
10 in such appropriation act.

11 HOWARD UNIVERSITY

12 For an additional amount, for "Expenses, Howard Uni-
13 versity", for the fiscal year 1943, to be used for partial or
14 total conversion of the existing power plant at Howard
15 University from the use of oil as fuel to the use of coal or for
16 an additional boiler and facilities for use of coal as fuel,
17 including the cost of engineering and architectural services,
18 \$229,500, to be available until June 30, 1944.

19 FEDERAL WORKS AGENCY

20 PUBLIC BUILDINGS ADMINISTRATION

21 Salaries and expenses, public buildings and grounds in
22 the District of Columbia and adjacent area: For an additional
23 amount, fiscal year 1943, including the objects specified
24 under this head in the Independent Offices Appropriation
25 Act, 1943, \$1,203,800.

1 Salaries and expenses, public buildings and grounds out-
 2 side the District of Columbia: For an additional amount,
 3 fiscal year 1943, including the objects specified under this
 4 head in the Independent Offices Appropriation Act, 1943,
 5 \$876,000.

6 VETERANS' ADMINISTRATION

7 Vocational rehabilitation revolving fund (Act of March
 8 24, 1943): To enable the Administrator of Veterans'
 9 Affairs to carry out the provisions of paragraph 8, part VII,
 10 of Veterans Regulation Numbered 1 (a), as amended by
 11 Public Law 16, Seventy-eighth Congress, \$500,000, to be
 12 utilized as a revolving fund and to remain available until
 13 expended.

14 DISTRICT OF COLUMBIA

15 CONTINGENT AND MISCELLANEOUS EXPENSES

16 *Postage: For an additional amount for postage for*
 17 *strictly official mail matter, including the rental of postage-*
 18 *meter equipment, fiscal year 1943, \$4,000.*

19 *Judicial expenses: For an additional amount for judicial*
 20 *expenses, fiscal year 1943, including the objects specified*
 21 *under this head in the District of Columbia Appropriation*
 22 *Act, 1943, \$1,675.*

23 *General advertising: For an additional amount for*
 24 *general advertising, authorized and required by law, and for*

1 *tax and school notices and notices of changes in regulations,*
 2 *fiscal year 1941, \$108.40.*

3 *Printing and binding: For an additional amount for*
 4 *printing and binding, fiscal year 1943, \$8,200.*

5 *REFUND OF ERRONEOUS COLLECTIONS*

6 *Refund of erroneous collections: For an additional*
 7 *amount for refund of erroneous collections, fiscal year 1943,*
 8 *including the objects specified under this head in the District*
 9 *of Columbia Appropriation Act, 1943, \$35,000.*

10 *PAYMENT TO JOSEPH SHARFSIN*

11 *For payment to Joseph Sharfsin, of the Philadelphia*
 12 *(Pennsylvania) bar, in accordance with the provisions of the*
 13 *Act of June 23, 1942 (Private Law 469), \$3,472.39.*

14 *HEALTH DEPARTMENT*

15 *Tuberculosis sanatoria, expenses: For an additional*
 16 *amount for provisions, and so forth, fiscal year 1943, includ-*
 17 *ing the objects specified under this head in the District of*
 18 *Columbia Appropriation Act, 1943, \$28,500.*

19 *COURTS*

20 *THE MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA*

21 *Salaries: For an additional amount for personal*
 22 *services, including pay of retired judges, fiscal year 1943,*
 23 *\$5,464.14.*

1 PUBLIC WELFARE

2 GENERAL ADMINISTRATION, WORKHOUSE AND REFORMA-
3 TORY, DISTRICT OF COLUMBIA

4 Support of convicts: For an additional amount for sup-
5 port, maintenance, and transportation of convicts transferred
6 from District of Columbia, fiscal year 1941, including the
7 objects specified under this head in the District of Columbia
8 Appropriation Act, 1941, \$6,036.58.

9 NATIONAL TRAINING SCHOOL FOR BOYS

10 National Training School for Boys: For an additional
11 amount for care and maintenance of boys committed to the
12 National Training School for Boys by the courts of the
13 District of Columbia under a contract made by the Board
14 of Public Welfare with the Attorney General at a rate of not
15 to exceed \$2 per day for each boy so committed, fiscal year
16 1942, \$4,562.

17 NONRESIDENT INSANE

18 Nonresident insane: For an additional amount for de-
19 portation of nonresident insane persons, fiscal year 1943,
20 including the objects specified under this head in the District
21 of Columbia Appropriation Act, 1943, \$4,500.

22 MILITIA

23 For an additional amount for personal services and other
24 expenses, fiscal year 1941, including the objects specified

1 *under this head in the District of Columbia Appropriation*
 2 *Act, 1941, \$453.12.*

3 *SETTLEMENT OF CLAIMS AND SUITS*

4 *For the payment of claims in excess of \$250, approved*
 5 *by the Commissioners in accordance with the Act of Febru-*
 6 *ary 11, 1929, as amended by the Act approved June 5, 1930*
 7 *(45 Stat. 1160; 46 Stat. 500), \$2,152.54.*

8 *JUDGMENTS*

9 *For the payment of final judgments, including costs,*
 10 *rendered against the District of Columbia, as set forth in*
 11 *Senate Document Numbered 44, together with such further*
 12 *sum as may be necessary to pay the interest at not exceeding*
 13 *4 per centum per annum on such judgments, as provided by*
 14 *law, from the date the same became due until the date of*
 15 *payment, \$11,418.75.*

16 *AUDITED CLAIMS*

17 *For the payment of the following claims, certified to be*
 18 *due by the accounting officers of the District of Columbia,*
 19 *under appropriations, the balances of which have been ex-*
 20 *hausted or carried to the surplus fund under the provisions*
 21 *of section 5 of the Act of June 20, 1874 (31 U. S. C. 713),*
 22 *being for the service of the fiscal year 1940 and prior fiscal*
 23 *years:*

24 *Public schools, salaries, District of Columbia, 1940, com-*
 25 *munity centers, \$6.08;*

1 *General advertising, District of Columbia, 1940, \$11.24;*

2 *Support of convicts, District of Columbia, 1940,*
3 *\$108.80;*

4 *Metropolitan Police expenses, District of Columbia, 1939,*
5 *motor vehicles, \$147.92;*

6 *Support of convicts, District of Columbia, 1939,*
7 *\$328.50;*

8 *Support of convicts, District of Columbia, 1938,*
9 *\$149.40;*

10 *Contingent and miscellaneous expenses, 1937, general*
11 *advertising, \$286;*

12 *In all, audited claims, \$1,037.94.*

13 *TEMPORARY INCREASE IN COMPENSATION FOR CERTAIN*

14 *EMPLOYEES OF THE DISTRICT OF COLUMBIA*

15 *For additional amounts for appropriations for the fiscal*
16 *year 1943 for the payment of increases in compensation*
17 *authorized by the Act of April 1, 1943 (Public Law 22,*
18 *Seventy-eighth Congress), as follows:*

19 *For Poundmaster, salaries, District of Columbia, 1943,*
20 *\$175;*

21 *Commission on Mental Health, District of Columbia,*
22 *1943, \$525;*

23 *Public schools, salaries, District of Columbia, 1943: Ad-*
24 *ministrative and supervisory, \$11,373; attendance officers,*
25 *\$265; teachers and librarians, \$470,700; in all, \$482,338;*

1 *Recreation Board, salaries and expenses, District of*
2 *Columbia, 1943, \$14,305;*

3 *Metropolitan Police, salaries, District of Columbia, 1943:*

4 *Pay and allowances, officers and members, \$48,000;*

5 *Fire Department, salaries, District of Columbia, 1943:*

6 Pay of officers and members, \$7,000;

7 *Gallinger Municipal Hospital, salaries, District of*
8 *Columbia, 1943, \$36,000;*

9 *Probation system, courts, District of Columbia, 1943,*
10 \$750;

11 *In all, \$589,093.*

12 *HIGHWAY FUND, GASOLINE TAX AND MOTOR VEHICLE*

13 *F_{EES}*

14 DEPARTMENT OF VEHICLES AND TRAFFIC

15 *Expenses: For an additional amount, fiscal year 1941,*
16 *for purchase, installation, and modification of electric traffic*
17 *lights, signals and controls, and so forth, including the objects*
18 *specified under this head in the District of Columbia Appro-*
19 *priation Act, 1941, \$468.19.*

20 REFUND OF PAVING ASSESSMENTS

21 *Refund of paving assessments: For the refund in part*
22 *of paving assessments paid by abutting property owners in*
23 *connection with the restoration of abandoned street railway*
24 *track areas, where portions of such assessments were subse-*

1 quently paid by the street railway company, \$7,426.65, pay-
2 able from the special fund created by the Act of April 23,
3 1924, as amended by the Act of August 17, 1937.

4 WATER SERVICE

5 Washington Aqueduct: For an additional amount for
6 operation, fiscal year 1943, including the objects specified
7 under this head in the District of Columbia Appropriation
8 Act, 1943, \$174,763, payable wholly from the revenues of
9 the Water Department.

10 DIVISION OF EXPENSES

11 The foregoing sums for the District of Columbia, unless
12 otherwise therein specifically provided, shall be paid out of
13 the revenues of the District of Columbia and the Treasury of
14 the United States in the manner prescribed by the District of
15 Columbia Appropriation Acts for the respective fiscal years
16 for which such sums are provided.

17 DEPARTMENT OF AGRICULTURE

18 BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

19 SALARIES AND EXPENSES

20 Gypsy and brown-tail moth control: For an additional
21 amount for gypsy and brown-tail moth control, fiscal year
22 1943, including the objects specified for the appropriation
23 for this purpose in the Department of Agriculture Appropria-
24 tion Act, 1943, \$137,400.

1 DEPARTMENT OF THE INTERIOR

2 OFFICE OF THE SECRETARY

3 BITUMINOUS COAL DIVISION

4 *For the Bituminous Coal Division, fiscal year 1943, in*
5 *carrying out the purposes of the Bituminous Coal Act of*
6 *1937, as amended (15 U. S. C. 828-849), as further*
7 *amended by the Act of April 24, 1943 (Public Law 40),*
8 *and as further amended, to be supplemental to and merged*
9 *with the appropriation under this head in the Interior De-*
10 *partment Appropriation Act, 1943, and to be available for*
11 *the same objects of expenditure, \$800,000, to continue avail-*
12 *able during the fiscal year 1944: Provided, That this appro-*
13 *priation shall not be available for obligation unless and until*
14 *there shall have been enacted a further extension of said*
15 *Act.*

16 BUREAU OF INDIAN AFFAIRS

17 *Maintenance, Wapato irrigation and drainage system,*
18 *and so forth, Yakima Reservation, Washington (receipt limi-*
19 *tation): For operation and maintenance of the Wapato irri-*
20 *gation and drainage system and auxiliary units thereof,*
21 *Yakima Indian Reservation, Washington, fiscal year 1943,*
22 *\$20,000, to be added to the \$165,980 appropriated for this*
23 *purpose in the Interior Department Appropriation Act, 1943*
24 *(56 Stat. 520).*

BUREAU OF RECLAMATION

Vale project, Oregon: For an additional amount for operation and maintenance, from the reclamation fund, special fund, fiscal year 1943, \$4,000.

Kendrick project, Wyoming: The limitation of \$100,000 upon the amount that may be expended from power revenues for the operation and maintenance of the power system, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$110,000.

Boulder Canyon project: The limitation of \$750,000 upon the amount which may be expended from power and other revenues for operation, maintenance, and replacements, including other specific purposes, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$950,000.

GEOLOGICAL SURVEY

To enable the Geological Survey to meet obligations incurred by it arising from cooperative work pending reimbursement from cooperating agencies in accordance with the provisions of the Acts of February 27, 1925 (43 U. S. C. 39, 40); May 10, 1926, as amended (43 U. S. C. 48); June 17, 1935 (43 U. S. C. 49); March 4, 1915, as amended (31 U. S. C. 686); and July 2, 1943 (56 Stat. 537-539), fiscal year 1943, \$400,000, which amount shall be

1 placed to the credit of the 1943 appropriation account of the
 2 Geological Survey: Provided, That there shall be returned to
 3 the Treasury not later than six months after the close of the
 4 fiscal year 1943 out of reimbursements received from cooperat-
 5 ing agencies an amount equal to the sum herein appropriated.

6 GOVERNMENT IN THE TERRITORIES

7 Salaries and expenses, Government of the Virgin Islands:
 8 For an additional amount for salaries and expenses, fiscal
 9 year 1943, including the objects specified for the appropriation
 10 for this purpose in the Interior Department Appropriation
 11 Act, 1943 (56 Stat. 560), \$7,000.

12 Salaries and expenses, agricultural experiment station
 13 and vocational school, Virgin Islands: For an additional
 14 amount for salaries and expenses, fiscal year 1943, including
 15 the objects specified for the appropriation for this purpose in
 16 the Interior Department Appropriation Act, 1943 (56 Stat.
 17 560), \$2,100.

18 Defraying deficits in treasuries of municipal govern-
 19 ments, Virgin Islands: For an additional amount, fiscal year
 20 1943, for defraying the deficit in the treasury of the munici-
 21 pal government of Saint Croix because of the excess of current
 22 expenses over current revenues for the fiscal year 1943 (56
 23 Stat. 560), \$45,000.

1 *PUERTO RICAN HURRICANE RELIEF*

2 *The limitation of \$19,950 upon the amount that may be*
 3 *expended for administrative expenses, Puerto Rican Hurri-*
 4 *cane Relief, contained in the Interior Department Appropria-*
 5 *tion Act, 1943, is hereby increased to \$22,350.*

6 **DEPARTMENT OF JUSTICE**

7 **OFFICE OF THE ATTORNEY GENERAL**

8 Fees and expenses of conciliation commissioners, United
 9 States courts: For an additional amount for fees and expenses
 10 of conciliation commissioners, United States courts, fiscal
 11 years 1937-40, including the objects specified under this
 12 head in the Second Deficiency Appropriation Act, fiscal year
 13 1937 (50 Stat. 224), \$335.98.

14 Probation system, United States courts: For an addi-
 15 tional amount for probation system, United States courts
 16 fiscal year 1939 (52 Stat. 264), 88 cents.

17 Traveling expenses, Department of Justice: For an addi-
 18 tional amount for traveling expenses, fiscal year 1943, in-
 19 cluding the objects specified under this head in the Depart-
 20 ment of Justice Appropriation Act, 1943, \$70,000.

21 **MISCELLANEOUS**

22 Salaries and expenses, Lands Division: For an additional
 23 amount for salaries and expenses, Lands Division, fiscal year
 24 1943, including the objects specified under this head in the
 25 Department of Justice Appropriation Act, 1943, \$280,000.

1 Salaries and expenses of district attorneys, and so forth:
 2 For an additional amount for salaries and expenses of district
 3 attorneys, and so forth, fiscal year 1943, including the ob-
 4 jects specified under this head in the Department of Justice
 5 Appropriation Act, 1943, \$205,000.

6 Salaries and expenses of marshals, and so forth: For an
 7 additional amount for salaries and expenses of marshals, and
 8 so forth, fiscal year 1943, including the objects specified
 9 under this head in the Department of Justice Appropriation
 10 Act, 1943, \$233,000.

11 Pay and expenses of bailiffs: For an additional amount
 12 for pay and expenses of bailiffs, fiscal year 1943, including
 13 the objects specified under this head in the Department of
 14 Justice Appropriation Act, 1943, \$10,000.

15 PENAL AND CORRECTIONAL INSTITUTIONS

16 Support of United States prisoners: For an additional
 17 amount for support of United States prisoners, fiscal year
 18 1943, including the objects specified under this head in the
 19 Department of Justice Appropriation Act, 1943, \$150,000.

20 *POST OFFICE DEPARTMENT*

21 *(Out of the Postal Revenues)*

22 *OFFICE OF THE CHIEF INSPECTOR*

23 *Clerks, division headquarters: For an additional amount*
 24 *for compensation of three hundred and thirty-two clerks at*

1 *division headquarters and other posts of duty of post-office*
 2 *inspectors, fiscal year 1943, \$8,800.*

3 *OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL*

4 *Star Route Service: For an additional amount for in-*
 5 *land transportation by star routes (excepting service in*
 6 *Alaska), including temporary service to newly established*
 7 *post offices, fiscal year 1942, \$14,000.*

8 *Railway Mail Service: For an additional amount for*
 9 *Railway Mail Service, salaries, fiscal year 1943, \$5,375,000.*

10 *Railway postal clerks, travel allowance: For an addi-*
 11 *tional amount for travel allowance to railway postal clerks*
 12 *and substitute railway postal clerks, fiscal year 1943,*
 13 *\$375,000.*

14 *Railway Mail Service, traveling expenses: For an addi-*
 15 *tional amount for Railway Mail Service, traveling expenses,*
 16 *fiscal year 1943, \$3,000.*

17 *Domestic air-mail service: For an additional amount for*
 18 *the inland transportation of mail by aircraft, including the*
 19 *objects specified under this head in the Post Office Department*
 20 *Appropriation Act for the fiscal years which follow, respec-*
 21 *tively:*

22 *For 1941, \$192,541;*

23 *For 1942, \$327,891.*

24 *OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL*

25 *Indemnities, domestic mail: For an additional amount*

1 *for payment of indemnities, including the objects specified*
2 *under this head in the Post Office Department Appropriation*
3 *Acts for the fiscal years which follow, respectively:*

4 *For 1942, \$110,000;*

5 *For 1943, \$660,000.*

6 DEPARTMENT OF STATE

7 Printing and binding: For an additional amount for the
8 appropriation, "Printing and binding, Department of State",
9 fiscal year 1943, \$20,000.

10 TREASURY DEPARTMENT

11 OFFICE OF THE SECRETARY

12 Appropriations of the Treasury Department for the fiscal
13 years 1943 and 1944 shall be available, in accordance with
14 the Standardized Government Travel Regulations, the Sub-
15 sistence Expense Act of 1926, as amended (5 U. S. C., ch.
16 16), and the Act of February 14, 1931, as amended (5
17 U. S. C. 73a), for the payment of travel expenses to and
18 from their homes or regular places of business and per diem
19 in lieu of subsistence at place of employment of persons em-
20 ployed intermittently away from their homes or regular
21 places of business by the Treasury Department as consultants
22 and receiving compensation on a per diem when actually
23 employed basis.

24 Administrative expenses, Adjusted Compensation Pay-
25 ment Act, 1936: For transfer to the Post Office Department

1 to cover registry fees and postage on mailings of bonds issued
 2 under the provisions of the Adjusted Compensation Payment
 3 Act of 1936, fiscal year 1943, \$3,500.

4 BUREAU OF ACCOUNTS

5 Refund of moneys erroneously received and covered: For
 6 an additional amount for refund of moneys erroneously re-
 7 ceived and covered, fiscal year 1943, \$50,000.

8 WAR DEPARTMENT

9 CIVIL FUNCTIONS

10 UNITED STATES SOLDIERS' HOME

11 *For maintenance and operation of the United States Sol-*
 12 *diers' Home, to be paid from the Soldiers' Home Permanent*
 13 *Fund, \$44,800: Provided, That no part of the Soldiers'*
 14 *Home Permanent Fund shall be used for the payment of*
 15 *salaries including overtime in excess of amounts fixed by the*
 16 *Board of Commissioners for the Soldiers' Home.*

17 TITLE II—WAR OVERTIME PAY AND OTHER
 18 COMPENSATION INCREASES

19 SEC. 201. For additional amounts for appropriations for
 20 the fiscal year 1943, for the payment of increases in compen-
 21 sation authorized by the Acts of August 1, 1942 (Public Law
 22 694, Seventy-seventh Congress), December 22, 1942 (Public
 23 Law 821, Seventy-seventh Congress), April 9, 1943 (Public
 24 Law 25, Seventy-eighth Congress), and May 7, 1943 (Pub-
 25 lic Law 49, Seventy-eighth Congress), as follows:

LEGISLATIVE BRANCH

- 1
2 For reporting debates and proceedings, Senate, 1943,
3 \$846;
- 4 Salaries, Capitol Police, Senate, 1943, \$6,373;
- 5 Salaries and expenses, Joint Committee on Printing,
6 Senate, 1943, \$458;
- 7 Salaries, officers and employees, House of Representa-
8 tives, 1943, \$60,402;
- 9 Clerk hire, Members and Delegates, House of Repre-
10 sentatives, 1943, \$177,225;
- 11 Salaries, Capitol Police, House of Representatives, 1943,
12 \$830;
- 13 Salaries and expenses, Joint Committee on Printing,
14 House of Representatives, 1943, \$63;
- 15 Capitol Building and repairs, 1943, \$17,100;
- 16 Maintenance, legislative garage, 1943, \$1,157;
- 17 Maintenance, Senate Office Building, 1943, \$4,500;
- 18 Maintenance, House Office Buildings, 1943, \$23,556;
- 19 Capitol power plant, 1943, \$22,237;
- 20 Library buildings and grounds, 1943, \$9,978;
- 21 Salaries, Botanic Garden, 1943, \$2,810;
- 22 Salaries, Library proper, Library of Congress, 1943,
23 \$36,964;
- 24 Salaries, Copyright Office, Library of Congress, 1943,
25 \$2,750;

- 1 Legislative Reference Service, Library of Congress,
- 2 1943, \$9,070;
- 3 Distribution of card indexes, Library of Congress, 1943,
- 4 \$7,217;
- 5 Index to State legislation, Library of Congress, 1943,
- 6 \$1,596;
- 7 Union catalogs, Library of Congress, 1943, \$476;
- 8 Salaries, Library buildings, Library of Congress, 1943,
- 9 \$40,704;
- 10 Salaries, Office of the Superintendent of Documents,
- 11 1943, \$89,430;
- 12 Total, Legislative Establishment, \$515,742.

13 THE JUDICIARY

- 14 For care of Supreme Court Building and grounds,
- 15 1943, \$2,566;
- 16 Salaries, United States Court of Customs and Patent
- 17 Appeals, 1943, \$1,979;
- 18 Salaries and expenses of clerks, United States Courts,
- 19 1943, \$141,338;
- 20 Miscellaneous salaries, United States Courts, 1943,
- 21 \$10,000;
- 22 Probation system, United States Courts, 1943, \$16,658;
- 23 Salaries, Administrative Office, United States Courts,
- 24 1943, \$2,748;
- 25 Total, The Judiciary, \$175,289.

EXECUTIVE OFFICE OF THE PRESIDENT

For salaries and expenses, National Resources Planning Board, 1943, \$23,900;

National defense activities, National Resources Planning Board, 1943, \$8,000;

Salaries and expenses, Board of Economic Warfare, 1943, \$889,000.

Office for Emergency Management:

For Selective Service System, War Manpower Commission, 1943, \$2,603,000;

Grants to States, employment services, War Manpower Commission, 1943, \$798,500;

Training within industry, War Manpower Commission, 1943, \$25,000;

Salaries and expenses, War Production Board, 1943, \$5,403,000;

Salaries and expenses, Office of Price Administration, 1943, \$10,450,000;

Total, Executive Office of the President, \$20,200,400.

INDEPENDENT ESTABLISHMENTS

For salaries and expenses, Civil Service Commission, 1943, \$570,000;

Salaries and expenses, Civil Service Commission (national defense), 1943, \$520,000;

- 1 Salaries and expenses, Federal Communications Com-
2 mission, 1943, \$85,000;
- 3 Salaries and expenses, Federal Communications Com-
4 mission (national defense), 1943, \$215,000;
- 5 Safety of employees, Interstate Commerce Commission,
6 1943, \$29,300;
- 7 Signal safety systems, Interstate Commerce Commission,
8 1943, \$1,900;
- 9 Locomotive inspection, Interstate Commerce Commis-
10 sion, 1943, \$21,600;
- 11 Advisory Committee for Aeronautics, 1943, \$852,000;
- 12 Salaries, National Labor Relations Board, 1943,
13 \$19,800;
- 14 Salaries and expenses, National Labor Relations Board
15 (national defense), 1943, \$21,000;
- 16 Salaries and expenses, National Mediation Board, 1943,
17 \$4,000;
- 18 Salaries and expenses, National Railroad Adjustment
19 Board, National Mediation Board, 1943, \$6,700;
- 20 Preservation of collections, Smithsonian Institution,
21 1943, \$53,040;
- 22 Salaries and expenses, National Gallery of Art, 1943,
23 \$22,460;
- 24 United States Tariff Commission, 1943, \$62,500;
- 25 Construction fund, United States Maritime Commission,

1 act of June 29, 1936, revolving fund (the amount that may
2 be used for administrative expenses for fiscal year 1943 is
3 hereby increased by \$1,875,000) ;

4 Salaries and expenses, Veterans' Administration, 1943.
5 \$6,775,000 ;

6 Total, independent establishments, \$9,259,300.

7 FEDERAL SECURITY AGENCY

8 For salaries, office of general counsel, Federal Security
9 Agency, 1943, \$21,300 ;

10 Columbia Institution for the Deaf, Federal Security
11 Agency, 1943, \$12,200 ;

12 Salaries and expenses, Food and Drug Administration.
13 Federal Security Agency, 1943, \$62,600 ;

14 Salaries, Freedmen's Hospital, Federal Security Agency.
15 1943, ~~\$22,700~~ \$28,700 ;

16 Salaries, Howard University, Federal Security Agency,
17 1943, \$57,000 ;

18 Salaries, Office of Education, 1943, \$15,200 ;

19 Library service and research, Office of Education, 1943.
20 \$780 ;

21 Salaries and expenses, vocational education, Office of
22 Education, 1943, \$11,500 ;

23 Salaries and expenses, vocational rehabilitation, Office of
24 Education, 1943, \$3,320 ;

- 1 Salaries and expenses, Office of Education (national de-
2 fense) , 1943, \$24,000;
- 3 Salaries, Office of Surgeon General, Public Health Serv-
4 ice, 1943, \$50,400;
- 5 Pay of personnel and maintenance of hospitals, Public
6 Health Service, 1943, \$975,000;
- 7 *Foreign quarantine service, Public Health Service, 1943,*
8 *\$10,000;*
- 9 Expenses, Division of Mental Hygiene, Public Health
10 Service, 1943, \$71,800;
- 11 Disease and sanitation investigations, Public Health Serv-
12 ice, 1943, \$5,900;
- 13 Salaries and expenses, National Institute of Health, Pub-
14 lic Health Service, 1943, \$79,200;
- 15 Emergency health and sanitation activities, Public Health
16 Service (national defense) , 1943, \$289,700;
- 17 Saint Elizabeths Hospital, Federal Security Agency,
18 1943, \$105,500;
- 19 Salaries, Offices of the Social Security Board, 1943,
20 \$28,900;
- 21 Salaries, Bureau of Old-Age and Survivors' Insurance,
22 Social Security Board, 1943, \$322,200;
- 23 Salaries, Bureau of Employment Security, Social Se-
24 curity Board, 1943, \$3,500;
- 25 Total, Federal Security Agency, ~~\$2,462,700~~ \$2,178,700.

FEDERAL WORKS AGENCY

For general administrative expenses, Public Buildings Administration, 1943, \$45,500;

Salaries and expenses, public buildings and grounds in the District of Columbia and adjacent area, Public Buildings Administration, 1943, \$3,000,000;

Salaries and expenses, public buildings and grounds outside the District of Columbia, Public Buildings Administration, 1943, \$767,000;

Administrative expenses, Public Works Administration, 1943 (increase in limitation on prior year unobligated funds, \$3,500).

Total, Federal Works Agency, \$3,812,500.

DEPARTMENT OF AGRICULTURE

For salaries, office of Secretary of Agriculture, 1943, \$90,000;

Salaries and expenses, Library, Department of Agriculture, 1943, \$39,400;

Salaries and expenses, Bureau of Agricultural Economics, 1943, \$205,000;

Salaries and expenses, Office of Foreign Agricultural Relations, 1943, \$22,400;

Administrative expenses, Agricultural War Relations, Food Production Administration, 1943, \$6,000;

- 1 Administrative expenses, Agricultural War Relations,
- 2 Food Distribution Administration, 1943, \$1,000;
- 3 Salaries and expenses, Office of Administrator, Agri-
- 4 cultural Research Administration, 1943, \$700;
- 5 Salaries and expenses, Experiment Stations, Agricultural
- 6 Research Administration, 1943, \$10,500;
- 7 Salaries and expenses, Animal Industry, Agricultural
- 8 Research Administration, 1943, \$10,000;
- 9 Salaries and expenses, Plant Industry, Soils, and Agri-
- 10 cultural Engineering, 1943, \$47,000;
- 11 Salaries and expenses, Agricultural and Industrial Chem-
- 12 istry, Agricultural Research Administration, 1943, \$1,400;
- 13 Salaries and expenses, Entomology and Plant Quarant-
- 14 ine, Agricultural Research Administration, 1943, \$234,000;
- 15 Salaries and expenses, Human Nutrition and Home
- 16 Economics, Agricultural Research Administration, 1943,
- 17 \$9,200;
- 18 Beltsville Research Center, Agricultural Research Ad-
- 19 ministration, 1943, \$7,000;
- 20 White pine blister rust control, Department of Agricul-
- 21 ture, 1943, \$52,000;
- 22 Salaries and expenses, Forest Service, 1943, \$997,000;
- 23 Forest fire cooperation, 1943, \$2,000;
- 24 Administrative expenses, Commodity Credit Corporation,
- 25 Department of Agriculture, 1943 (the amount that may be

1 used for administrative expenses is hereby increased by
2 \$230,900) ;

3 Salaries and expenses, Soil Conservation Service, 1943,
4 \$1,535,000;

5 Land utilization and retirement of submarginal land,
6 Department of Agriculture, 1943, \$80,000;

7 Salaries and expenses, Marketing Service, Food Distri-
8 bution Administration, 1943, \$1,239,000;

9 Total, Department of Agriculture, \$4,588,600.

10 DEPARTMENT OF COMMERCE

11 For salaries, Office of the Secretary, 1943, \$19,800;

12 Expenses of the Sixteenth Census, 1943, \$100,000.

13 Salaries and expenses, Bureau of the Census, 1943,
14 \$217,000;

15 General administration, Office of Administrator of Civil
16 Aeronautics, 1943, \$29,000;

17 Maintenance of air-navigation facilities, Office of Admin-
18 istrator of Civil Aeronautics, 1943, \$653,000;

19 Maintenance and operation, Washington National Air-
20 port, Office of Administrator of Civil Aeronautics, 1943,
21 \$28,000;

22 Magnetic and seismological work, Coast and Geodetic
23 Survey, 1943, \$6,200;

24 Geodetic control surveys, Coast and Geodetic Survey,
25 1943, \$30,100;

1 Salaries, Coast and Geodetic Survey, 1943, \$83,800;

2 Aeronautical charts, Coast and Geodetic Survey, 1943,

3 \$24,700;

4 Operation and administration, National Bureau of Stand-

5 ards, 1943, \$47,400;

6 Testing, inspection, and information service, National

7 Bureau of Standards, 1943, \$77,500;

8 Research and development, National Bureau of Stand-

9 ards, 1943, \$52,800;

10 Standards for commerce, National Bureau of Standards,

11 1943, \$16,400;

12 Salaries and expenses, Weather Bureau, Department of

13 Commerce, 1943, \$425,000;

14 Total, Department of Commerce, \$1,810,700.

15 DEPARTMENT OF THE INTERIOR

16 For salaries, Office of Secretary of the Interior, 1943,

17 \$83,000;

18 Salaries, Office of Solicitor, Department of the Interior,

19 1943, \$15,200;

20 Salaries and expenses, Grazing Service, Department of

21 the Interior, 1943, \$64,300;

22 Salaries, General Land Office, 1943, \$4,500;

23 Salaries and commissions of registers of land offices,

24 1943, \$1,940;

25 Revested Oregon and California Railroad and recon-

- 1 veyed Coos Bay Wagon Road grant lands, Oregon (reim-
2 bursable) , 1943, \$11,630;
- 3 Salaries, Geological Survey, 1943, \$8,300;
- 4 Salaries, Bureau of Indian Affairs, 1943, \$2,500;
- 5 Maintaining law and order on Indian reservations, 1943,
6 \$7,000;
- 7 Expenses of organizing Indian corporations, and so forth,
8 1943, \$4,300;
- 9 Expenses, sale of timber (reimbursable) , 1943, \$5,000;
- 10 Maintenance, San Carlos irrigation project, Gila River
11 Reservation, Arizona (receipt limitation), 1943 (from
12 operation and maintenance collections) , \$18,000;
- 13 Improvement and maintenance, irrigation system, Colo-
14 rado River Reservation, Arizona (reimbursable), 1943,
15 \$1,000;
- 16 Improvement and maintenance, irrigation system, Colo-
17 rado River Reservation, Arizona (receipt limitations),
18 1943 (from operation and maintenance collections) , \$1,000;
- 19 Maintenance, irrigation systems, Fort Peck Reservation,
20 Montana (reimbursable), 1943, \$1,000;
- 21 Improvement and maintenance, irrigation systems,
22 Blackfeet Reservation, Montana (reimbursable), 1943,
23 \$250;
- 24 Improvement and maintenance, irrigation systems, Crow
25 Reservation, Montana (reimbursable), 1943, \$500;

- 1 Improvement and maintenance, irrigation systems, Crow
- 2 Reservation, Montana (receipt limitation), 1943 (from
- 3 operation and maintenance collections), \$2,500;
- 4 Improvement and maintenance, irrigation systems, Klamath
- 5 Reservation, Oregon (reimbursable), 1943, \$350;
- 6 Maintenance, irrigation systems, Wind River Reservation
- 7 and ceded lands, Wyoming (reimbursable), 1943,
- 8 \$2,000;
- 9 Indian boarding schools, 1943, \$85,000;
- 10 Administration of Indian property, 1943, \$50,000;
- 11 Miscellaneous Indian tribal funds, 1943:
- 12 Arizona: Pima (Camp McDowell), \$100, and
- 13 Truxton Cañon, \$690; in all, \$790;
- 14 California: Mission, \$990;
- 15 Oregon: Klamath, \$9,900;
- 16 Utah: Uintah and Ouray, \$220;
- 17 Washington: Colville, \$600, and Taholah, \$140;
- 18 in all, \$740;
- 19 Support of Osage Agency and pay of tribal officers,
- 20 Oklahoma, \$7,400;
- 21 Protection of project works, Bureau of Reclamation
- 22 (national defense), 1943, \$50,000;
- 23 Advances to Colorado dam fund, Boulder Canyon project,
- 24 1943 (amount that may be used from power and other
- 25 revenues increased by \$29,500) ;

1 Reclamation fund, special fund, Kendrick project, Wyo-
2 ming, 1943 (amount that may be used from power revenues
3 increased by \$9,500) ;

4 Coal-mine inspections and investigations, Bureau of
5 Mines, 1943, \$39,000 ;

6 Investigation of domestic sources of mineral supply, Bu-
7 reau of Mines (national defense) , 1943, \$30,000 ;

8 Manganese beneficiation pilot plants and research, Bu-
9 reau of Mines (national defense) , 1943, \$60,000 ;

10 Expenses, mining experiment stations, Bureau of Mines,
11 1943, \$20,000 ;

12 Care, and so forth, buildings and grounds, Bureau of
13 Mines, Pittsburgh, Pennsylvania, 1943, \$9,900 ;

14 Magnesium pilot plants and research (national defense) ,
15 1943, \$60,000 ;

16 Salaries and expenses, Government of the Virgin Islands,
17 1943, \$12,250 ;

18 Salaries and expenses, agricultural experiment station
19 and vocational school, Virgin Islands, 1943, \$400 ;

20 Puerto Rican hurricane relief, administrative expenses,
21 Department of the Interior, 1943 (the amount of available
22 unobligated funds that may be used is hereby increased by
23 \$1,790) ;

24 Total, Department of the Interior, \$650,820.

1 DEPARTMENT OF JUSTICE

2 For salaries, Office of Assistant Solicitor General,
3 Department of Justice, 1943, \$1,160;

4 Salaries, Office of Assistant to the Attorney General,
5 1943, \$4,800;

6 Salaries, Administrative Division, Department of Justice,
7 1943, \$92,800;

8 Salaries, Criminal Division, Department of Justice,
9 1943, \$34,100;

10 Salaries, Office of Pardon Attorney, Department of
11 Justice, 1943, \$2,140;

12 Salaries and expenses, Lands Division, Department of
13 Justice, 1943, \$226,000;

14 Miscellaneous salaries and expenses, field, Department
15 of Justice, 1943, \$10,600;

16 Salaries and expenses of district attorneys, etc.,
17 Department of Justice, 1943, \$264,700;

18 Salaries and expenses of marshals, etc., Department of
19 Justice, 1943, \$231,000;

20 Pay and expenses of bailiffs, Department of Justice,
21 1943, \$20,500;

22 Salaries and expenses, Federal Bureau of Investigation,
23 1943, \$497,000;

24 Salaries and expenses, Federal Bureau of Investigation
25 (national defense), 1943, \$2,125,000;

1 Salaries and expenses, Immigration and Naturalization
2 Service, 1943, \$1,788,000;
3 Support of United States prisoners, 1943, \$16,800;
4 Total, Department of Justice, \$5,314,600.

5 DEPARTMENT OF LABOR

6 For salaries, Office of the Secretary of Labor, 1943,
7 \$32,400;

8 Salaries and expenses, Office of the Solicitor, Depart-
9 ment of Labor, 1943, \$13,900;

10 Salaries and expenses, Division of Labor Standards,
11 Department of Labor, 1943, \$7,500;

12 Salaries and expenses, safety and health program,
13 Department of Labor (national defense), 1943, \$11,000;

14 Salaries and expenses, Commissioners of Conciliation,
15 Department of Labor, 1943, \$26,300;

16 Salaries and expenses, Bureau of Labor Statistics, 1943,
17 \$107,400;

18 Salaries and expenses, Bureau of Labor Statistics
19 (national defense), 1943, \$100,000;

20 Salaries and expenses, Children's Bureau, 1943,
21 \$14,900;

22 Salaries and expenses, child labor provisions, Fair Labor
23 Standards Act, Children's Bureau, 1943, \$10,500;

24 Salaries and expenses, maternal and child welfare, Social
25 Security Act, Children's Bureau, 1943, \$13,600;

1 Salaries and expenses, Women's Bureau, 1943, \$15,900;
 2 Total, Department of Labor, \$353,400.

3 POST OFFICE DEPARTMENT

4 (Out of the postal revenues)

5 For Salaries, Office of the Postmaster General, 1943.
 6 \$22,800;

7 Salaries, Office of Budget and Administrative Planning,
 8 1943, \$330;

9 Salaries, Office of the First Assistant Postmaster Gen-
 10 eral, 1943, \$56,400;

11 Salaries, Office of the Second Assistant Postmaster
 12 General, 1943, \$44,300;

13 Salaries, Office of the Third Assistant Postmaster
 14 General, 1943, \$56,870;

15 Salaries, Office of the Fourth Assistant Postmaster Gen-
 16 eral, 1943, \$9,200;

17 Salaries, Office of the Solicitor for the Post Office De-
 18 partment, 1943, \$3,000;

19 Salaries, Office of the Chief Inspector, 1943, \$20,000;

20 Salaries, Office of the Purchasing Agent, 1943, \$2,200;

21 Salaries, Bureau of Accounts, 1943, \$14,200;

22 Post Office inspectors, salaries, 1943, \$158,000;

23 Post Office inspectors, clerks, division headquarters,
 24 1943, \$8,300;

- 1 Compensation to postmasters, 1943, \$5,088,200;
2 Compensation to assistant postmasters, 1943, \$971,900;
3 Clerks, first- and second-class post offices, 1943,
4 \$24,329,000;
5 Separating mails, 1943, \$28,600;
6 Unusual conditions at post offices, 1943, \$82,000;
7 Clerks, third-class post offices, 1943, \$564,000;
8 Miscellaneous items, first- and second-class post offices,
9 1943, \$3,900;
10 Village delivery service, 1943, \$93,100;
11 City delivery carriers, 1943, \$14,707,000;
12 Special-delivery fees, 1943, \$866,000;
13 Railroad transportation and mail messenger service,
14 1943, \$2,100;
15 Railway Mail Service, salaries, 1943, \$4,968,000;
16 Rural Delivery Service, 1943, \$4,544,900;
17 Operating force for public buildings, Post Office Depart-
18 ment, 1943, \$3,503,000;
19 Vehicle service, 1943, \$981,000;
20 Total, Post Office Department, \$61,128,300.

DEPARTMENT OF STATE

- 22 For salaries, Department of State, 1943, \$299,400;
23 Passport agencies, Department of State, 1943, \$4,000;
24 Salaries, Foreign Service officers, 1943, \$177,000;

1 Salaries, Foreign Service clerks, 1943, \$316,400;
2 Miscellaneous salaries and allowances, Foreign Service.
3 1943, \$38,200;
4 Foreign Service, auxiliary (emergency), 1943.
5 \$127,600;
6 International Boundary Commission, United States and
7 Mexico, 1943, \$21,800;
8 Rio Grande canalization, Department of State, 1943,
9 \$16,200;
10 Salaries and expenses, International Joint Commission,
11 United States and Great Britain, 1943, \$1,000;
12 Total, Department of State, \$1,001,600.

13 TREASURY DEPARTMENT

14 For Salaries and expenses, foreign-owned property con-
15 trol, 1943, \$146,200;

16 Salaries, Division of Research and Statistics, Treasury
17 Department, 1943, \$13,600;

18 Salaries, Office of General Counsel, Treasury Depart-
19 ment, 1943, \$6,700;

20 Salaries, Division of Personnel, Treasury Department,
21 1943, \$18,300;

22 Salaries, office of chief clerk, Treasury Department,
23 1943, \$22,700;

1 Salaries, operating force, Treasury Department buildings,
2 1943, \$73,400;

3 Salaries and expenses, guard force, Treasury Department
4 buildings, 1943, \$71,500;

5 Salaries and expenses, Bureau of Accounts, Treasury
6 Department, 1943, \$52,300;

7 Salaries and expenses, Division of Disbursement, 1943,
8 \$232,600;

9 Salaries and expenses, Bureau of the Public Debt, 1943,
10 \$311,400;

11 Expenses of loans, Act September 24, 1917, as amended
12 and extended, 1943 (the amount that may be used is hereby
13 increased by \$913,800) ;

14 Salaries, Office of Treasurer of United States, 1943,
15 \$357,300;

16 Salaries, Office of Treasurer of United States (Federal
17 Reserve notes, reimbursable) , 1943, \$5,200;

18 Collecting the revenue from customs, 1943, \$1,336,200;

19 Salaries, Office of Comptroller of the Currency, 1943,
20 \$12,600;

21 Collecting the internal revenue, 1943, \$7,398,000;

22 Salaries and expenses, Bureau of Narcotics, 1943,
23 \$26,500;

1 Suppressing counterfeiting and other crimes, 1943,
2 \$107,000;

3 Salaries and expenses, Procurement Division, 1943,
4 \$11,100;

5 Total, Treasury Department, \$10,202,600.

6 WAR DEPARTMENT

7 CIVIL FUNCTIONS

8 For cemeterial expenses, War Department, 1943,
9 \$56,800:

10 Soldiers' Home, permanent fund ~~(trust fund)~~, 1943,
11 ~~\$44,800~~;

12 Sanitation, Canal Zone, Panama Canal, 1943,
13 \$146,800;

14 Civil government, Panama Canal and Canal Zone, 1943,
15 \$111,000;

16 Total, War Department, Civil Functions, ~~\$359,400~~
17 ~~\$314,600~~.

18 DISTRICT OF COLUMBIA

19 For executive office, salaries, District of Columbia, 1943,
20 \$1,540;

21 Purchasing Division, salaries, District of Columbia, 1943,
22 \$620;

23 District buildings, salaries, District of Columbia, 1943,
24 \$27,400;

- 1 Board of Tax Appeals, salaries, District of Columbia,
- 2 1943, \$440;
- 3 Collector, salaries, District of Columbia, 1943, \$3,680;
- 4 Auditor, salaries, District of Columbia, 1943, \$4,200;
- 5 Corporation Counsel, salaries, District of Columbia,
- 6 1943, \$100;
- 7 Alcoholic Beverage Control Board, District of Columbia,
- 8 1943, \$130;
- 9 Coroner, salaries, District of Columbia, 1943, \$1,380;
- 10 Chief clerk, Engineer Department, salaries, District of
- 11 Columbia, 1943, \$1,530;
- 12 Department of Insurance, salaries, District of Columbia,
- 13 1943, \$470;
- 14 Commission on Mental Health, District of Columbia,
- 15 1943, \$130;
- 16 Board of Indeterminate Sentence and Parole, District of
- 17 Columbia, 1943, \$110;
- 18 Office of Administrator of Rent Control, salaries and
- 19 expenses, District of Columbia, 1943, \$1,570;
- 20 Register of Wills, salaries, District of Columbia, 1943,
- 21 \$710;
- 22 Recorder of Deeds, salaries, District of Columbia, 1943,
- 23 \$8,500;
- 24 Motor vehicles, District of Columbia, 1943, \$470;

- 1 Free Public Library, salaries, District of Columbia, 1943,
- 2 \$22,600;
- 3 Collection and disposal of refuse, salaries, District of
- 4 Columbia, 1943, \$3,180;
- 5 Electrical Department, salaries, District of Columbia,
- 6 1943, \$7,630;
- 7 Public schools, salaries, District of Columbia, 1943,
- 8 \$107,700;
- 9 Metropolitan Police, salaries, District of Columbia, 1943,
- 10 \$10,200;
- 11 Tuberculosis Sanatoria, salaries, District of Columbia,
- 12 1943, \$28,700;
- 13 Gallinger Municipal Hospital, salaries, District of Co-
- 14 lumbia, 1943, \$30,800;
- 15 Division of Child Welfare, detention of children, Dis-
- 16 trict of Columbia, 1943, \$1,050;
- 17 Workhouse and reformatory, salaries, District of Colum-
- 18 bia, 1943, \$27,600;
- 19 Industrial Home School for Colored Children, salaries,
- 20 District of Columbia, 1943, \$2,600;
- 21 Industrial Home School, salaries, District of Columbia,
- 22 1943, \$3,660;
- 23 Municipal Lodging House, District of Columbia, 1943,
- 24 \$470;

1 Public parks, salaries, District of Columbia, 1943,
2 \$6,400;

3 National Zoological Park, District of Columbia, 1943,
4 \$7,690;

5 Total, District of Columbia, exclusive of highway and
6 water funds, \$313,260.

7 For trees and parking, salaries, highway fund, District
8 of Columbia, 1943, to be paid wholly out of the special fund
9 created by the act entitled "An act to provide a tax on motor-
10 vehicle fuels sold within the District of Columbia, and for
11 other purposes," approved April 23, 1924 (43 Stat. 106),
12 and the act entitled "An act to provide additional revenue for
13 the District of Columbia, and for other purposes," approved
14 August 17, 1937, \$740.

15 For general expenses, Washington Aqueduct, District of
16 Columbia, 1943, to be paid wholly out of the revenues of
17 the Water Department of the District of Columbia, \$49,800;

18 Total, District of Columbia, including highway and
19 water funds, \$363,800.

20 The foregoing sums for the District of Columbia, unless
21 otherwise specifically provided, shall be paid out of the rev-
22 enues of the District of Columbia and the Treasury of the
23 United States in the manner prescribed by the District of
24 Columbia Appropriation Act, 1943.

25 Total, section 201, ~~\$121,899,751~~ \$121,870,951.

1 SEC. 202. The restrictions contained in appropriations
2 or affecting appropriations or other funds, available during
3 the fiscal year 1943, limiting the amounts which may be
4 expended for personal services or for other purposes, are
5 hereby waived to the extent necessary to meet the increases
6 in compensation authorized by the act of August 1, 1942
7 (Public Law 694), amending section 13 of the Classifica-
8 tion Act of 1923, the act of December 22, 1942 (Public
9 Law 821), authorizing the payment of overtime compensa-
10 tion to civilian employees in or under the United States
11 Government, the act of April 9, 1943 (Public Law 25),
12 authorizing additional compensation for employees in the
13 Postal Service, and by other legislation enacted during and
14 applicable to the fiscal year 1943 authorizing overtime com-
15 pensation for civilian employees of the Government: *Pro-*
16 *vided*, That the head of any department, establishment, or
17 agency is hereby authorized to allocate from the sum herein
18 appropriated under any appropriation title administered by
19 him to any subappropriation under such title such amount
20 as may be necessary for the purposes of this section.

21 TITLE III—GENERAL PROVISIONS

22 SEC. 301. No part of any appropriation contained in this
23 Act shall be used to pay the salary or wages of any person
24 who advocates, or who is a member of an organization
25 that advocates, the overthrow of the Government of the

1 United States by force or violence: *Provided*, That for the
2 purposes hereof an affidavit shall be considered prima facie
3 evidence that the person making the affidavit does not
4 advocate, and is not a member of an organization that advo-
5 cates, the overthrow of the Government of the United States
6 by force or violence: *Provided further*, That any person
7 who advocates, or who is a member of an organization that
8 advocates, the overthrow of the Government of the United
9 States by force or violence and accepts employment the
10 salary or wages for which are paid from any appropriation
11 in this Act shall be guilty of a felony and, upon conviction,
12 shall be fined not more than \$1,000 or imprisoned for not
13 more than one year, or both: *Provided further*, That the
14 above penalty clause shall be in addition to, and not in
15 substitution for, any other provisions of existing law.

16 SEC. 302. Except as otherwise provided for in this Act,
17 no part of any appropriation contained in or authorized to be
18 expended by this Act shall be used to pay the compensation
19 of any officer or employee of the Government of the United
20 States whose post of duty is in continental United States
21 unless such person (1) is a citizen of the United States, or
22 (2) is a person in the service of the United States on
23 the date of enactment of this Act who, being eligible for
24 citizenship, had filed a declaration of intention to become a
25 citizen of the United States prior to such date, or (3) is

1 a person who owes allegiance to the United States: ~~Provided,~~
 2 That for the purpose of this section, an affidavit signed by
 3 any such person shall be considered prima facie evidence that
 4 the requirements of this section with respect to his status have
 5 been complied with. The provisions of this section shall
 6 not apply to citizens of the Commonwealth of the Philippines.

7 SEC. 303. Appropriations contained herein may be used
 8 to reimburse the Emergency Fund for the President for
 9 advances made therefrom to meet pay-roll obligations for
 10 which funds are provided in this Act.

11 SEC. 304. No part of any appropriation, allocation, or
 12 fund ~~(1)~~ which is made available under or pursuant to this
 13 Act, or ~~(2)~~ which is now, or which is hereafter made, avail-
 14 able under or pursuant to any other Act, to any department,
 15 agency, or instrumentality of the United States, shall be used
 16 to pay any part of the salary, or other compensation for the
 17 personal services, of Goodwin B. Watson, William E. Dodd,
 18 Junior, and Robert Morss Lovett: ~~Provided,~~ That this sec-
 19 tion shall not operate to deprive any such person of payment
 20 for leaves of absence or salary, or of any refund or reim-
 21 bursement, which have accrued prior to the date of the
 22 enactment of this Act: ~~Provided further,~~ That this section
 23 shall not operate to deprive any such person of payment for
 24 services performed as a member of a jury or as a member

1 of the armed forces of the United States nor any benefit,
 2 pension, or emolument resulting therefrom.

3 SEC. ~~305~~ 304. This Act may be cited as the "Urgent
 4 Deficiency Appropriation Act, 1943".

Passed the House of Representatives May 18, 1943.

Attest:

SOUTH TRIMBLE,

Clerk.

78TH CONGRESS
1ST SESSION

H. R. 2714

[Report No. 264]

AN ACT

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

MAY 19, 1943

Read twice and referred to the Committee on
Appropriations

MAY 26, 1943

Reported with amendments

URGENT DEFICIENCY APPROPRIATION BILL, 1943

MAY 26, 1943.—Ordered to be printed

Mr. McKELLAR, from the Committee on Appropriations, submitted the following

REPORT

[To accompany H. R. 2714]

The Committee on Appropriations, to whom was referred the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, report the same to the Senate with various amendments and present herewith information relative to the changes made.

Amount of bill as passed House.....	\$134, 096, 279. 86
Increase by Senate (net).....	9, 534, 311. 70
Amount of bill as reported to Senate.....	143, 630, 591. 56

The Budget estimates, on which the bill is based, were submitted in House documents of the present session Nos. 169, 174, 175, 176, 181, 182, 183, 184, 185, 187, 188, 189, 190, 191 (in part), 193, and 194, and Senate Documents Nos. 39, 42, 44 (in part), 45, 46, 47, and 56, totaling \$144,334,400.56.

INCREASES AND LIMITATIONS

Senate:

Pay of pages.....	\$15, 456. 00
Senate restaurants, new equipment to replace obsolete kitchen equipment.....	13, 592

Architect of the Capitol:

Capitol buildings and grounds:	
Necessary repairs in connection with renovation of kitchens.....	10, 600

INCREASES AND LIMITATIONS—continued

Executive Office of the President:

Emergency funds of the President:

It is recommended by the committee that the following proviso be stricken from the bill:

“: Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for the National Resources Planning Board or the Farm Security Administration or for any of the functions of either said Board or said Administration.”

and that the following language be inserted in lieu thereof:

: Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for any of the functions of any agency of Government for which appropriations have been duly made by the Congress, or for the functions of any agency for which estimates have been submitted by the Budget and for which the Congress has failed to make appropriations: Provided further, That this limitation shall not apply to allotments or allocations made to the War Department or the Navy Department

War Production Board:

Printing and binding-----	\$134, 000. 00
Project for stimulation of production of lumber----	100, 000. 00

Total War Production Board-----	234, 000. 00
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War Shipping Administration:

It is recommended by the committee that the amount available for travel be increased from \$74,500 to \$294,430.

Bituminous Coal Consumers' Council:

Salaries and expenses-----	16, 000. 00
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District of Columbia:

Postage-----	4, 000. 00
Judicial expenses-----	1, 675. 00
General advertising-----	108. 40
Printing and binding-----	8, 200. 00
Refund of erroneous collections-----	35, 000. 00
Payment to Joseph Sharfsin-----	3, 472. 39
Tuberculosis sanatoria, expenses-----	28, 500. 00
Municipal Court for the District of Columbia:	
Salaries-----	5, 464. 14
Public welfare:	
Support of convicts-----	6, 036. 58
National Training School for Boys-----	4, 562. 00
Nonresident insane-----	4, 500. 00
Militia-----	453. 12
Settlement of claims and suits-----	2, 152. 54
Judgments-----	11, 418. 75
Audited claims-----	1, 037. 94
Temporary increase in compensation-----	589, 093. 00
Department of Vehicles and Traffic, expenses-----	468. 19
Refund of paving assessments-----	7, 426. 65
Water service:	
Washington aqueduct-----	174, 763. 00

Total, District of Columbia-----	888, 331. 70
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INCREASES AND LIMITATIONS—continued

Department of the Interior:

Bituminous Coal Division.....	\$800, 000. 00
Bureau of Indian Affairs:	
Wapato irrigation and drainage system.....	20, 000. 00
Geological Survey:	
Advance to meet obligations pending reimbursement..	400, 000. 00
Government in the Territories:	
Salaries and expenses, Government of the Virgin Islands.....	7, 000. 00
Salaries and expenses, agricultural experiment station, Virgin Islands.....	2, 100. 00
Defraying deficits in treasury of St. Croix.....	45, 000. 00
Puerto Rican hurricane relief:	

It is recommended by the committee that the following paragraph be added to the bill:

The limitation of \$19,950 upon the amount that may be expended for administrative expenses, Puerto Rican Hurricane Relief, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$22,350.

Total, Department of the Interior..	1, 274, 100. 00
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Post Office Department:

Office of the Chief Inspector:	
Clerks, division headquarters.....	8, 800. 00
Office of the Second Assistant Postmaster General:	
Star Route Service.....	14, 000. 00
Railway Mail Service, salaries.....	5, 375, 000. 00
Railway postal clerks, travel allowance.....	375, 000. 00
Railway Mail Service, traveling expenses.....	3, 000. 00
Domestic Air Mail Service:	
Fiscal year, 1941.....	192, 541. 00
Fiscal year, 1942.....	327, 891. 00
Office of the Third Assistant Postmaster General:	
Indemnities, domestic mail:	
Fiscal year, 1942.....	110, 000. 00
Fiscal year, 1943.....	660, 000. 00

Total, Post Office Department.....	7, 066, 232. 00
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War Department:

United States Soldiers' Home:	
Maintenance.....	44, 800. 00

Overtime, war compensation and other pay increases:

Federal Security Agency:	
Freedmen's Hospital.....	6, 000. 00
Public Health Service, foreign quarantine service..	10, 000. 00

Total overtime war compensation.....	16, 000. 00
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Total increase.....	9, 579, 111. 70
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DECREASES AND LIMITATIONS

United States Soldiers' Home:

Overtime pay -----	44, 800. 00
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Citizenship:

It is recommended by the committee that the following proviso be stricken from the bill:

"*Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with."

Section 304—Prohibition against the pay of certain employees:

It is recommended by the committee that the following section be stricken from the bill:

"Sec. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this Act, or (2) which is now, or which is hereafter made, available under or pursuant to any other Act, to any department, agency, or instrumentality of the United States, shall be used to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Junior, and Robert Morss Lovett: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to the date of the enactment of this Act: *Provided further*, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States nor any benefit, pension, or emolument resulting therefrom."

Total increase -----	\$9, 579, 111. 70
Total decrease -----	44, 800. 00
Net increase -----	9, 534, 311. 70
Amount of bill as reported to Senate -----	143, 630, 591. 56

Senate Committee on Agriculture and Forestry to decide upon a definite attempt to prohibit such payments without specific authorization from Congress; hence this bill.

Testimony taken for several days before our committee from processors from many parts of the country convinces us that the producer might suffer heavy loss as a result of the proposed roll-back, because the subsidy could not or would not be passed on to him. It is an acknowledged fact that consumers as a class are earning more than ever before in our history. When we consider that the roll-back and subsidy on butter would save each individual consumer only about 65 cents a year, the resultant decrease in his cost of living seems inconsequential.

Moreover, we believe that the payment of general subsidies from the United States Treasury for the benefit of any group is wrong in principle and we hope Congress will promptly put a stop to what appears to us to be a step toward the development of such a system.

Secretary of Commerce Jesse Jones, appearing before our committee the other day, stated that the total subsidy would be about \$450,000,000 a year. When asked by what authority he would pay out this huge sum, he said he would pay it under the order of the President and that no appropriation by Congress was necessary.

Thus the Congress has been told, in effect, that its attitude toward the payment of this money is immaterial; that the Reconstruction Finance Corporation, of which Mr. Jones is the head, has the money, and that it would be paid out as indicated.

The committee believes that such payments should not be made without congressional authorization and, through this bill, we are asking the Congress to say so promptly. Failure to insist that subsidies of the type now contemplated by Office of Price Administration be paid only out of funds specifically appropriated for that purpose by Congress will be tantamount to a green light for the administration to go ahead with its attempt to bolster up and preserve inequities in the price structure by paying general subsidies whenever it sees fit.

AMENDMENT OF EMERGENCY FARM MORTGAGE ACT—CHANGE OF REFERENCE

—Mr. BANKHEAD. Mr. President, Senate bill 1078 refers to extension of the power of the Land Bank Commissioner, which power expires on the 30th of June. By mistake, the bill was referred to the Committee on Agriculture and Forestry. The Committee on Banking and Currency has jurisdiction of the subject. I have conferred with the chairmen of both committees, and it is agreeable to each of them that the Committee on Agriculture and Forestry be discharged from further consideration of the bill, and that it be referred to the Committee on Banking and Currency.

Therefore, Mr. President, I move that the Committee on Agriculture and Forestry be discharged from the further consideration of the bill (S. 1078) to amend section 32 of the Emergency Farm Mortgage Act of 1933, as amended, and that it be referred to the Committee on Banking and Currency.

The motion was agreed to.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CLARK of Idaho submitted an amendment proposing to increase the appropriation for the control of predatory

animals and injurious rodents, from \$740,000 to \$1,000,000, intended to be proposed by him to House bill 2719, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ADDRESSES AND ARTICLES BY HON. HENRY A. WALLACE

On motion of Mr. GILLETTE and by unanimous consent, it was,

Ordered, That certain addresses and articles by Hon. HENRY A. WALLACE, Vice President of the United States, be printed as a Senate document.

CONTINUATION OF FARM PROGRAMS

Mr. LANGER. Mr. President, I desire to read into the Record at this point some telegrams I have received dealing with the matter of the F. S. A. and other farm agencies. The first telegram is from Crosby, N. Dak., and reads as follows:

CROSBY, N. DAK., May 25, 1943.

Senator WILLIAM LANGER,
Senate Office Building,
Washington, D. C.:

The Divide County Farmers Union urges you to do your utmost to restore the agriculture appropriation bill and try to get increase for the Farm Security Administration and incentive payments.

DIVIDE COUNTY FARMERS UNION,
IVAN ERICKSON, Secretary.

I read a telegram from Watford City, N. Dak., which reads as follows:

WATFORD CITY, N. DAK., May 14, 1943.

Senator WILLIAM LANGER,
Washington, D. C.:

We object strenuously to the divorcement of county and local committees from their duties under present rules for the operation of farm programs. We urge you to use your influence in preventing any change in the present set-up.

That is from the Association of Commerce of Watford City, N. Dak., a commercial club, made up entirely of businessmen. It is signed by Blaine Whipple, secretary.

Another telegram, which is from Beulah, N. Dak., reads as follows:

BEULAH, N. DAK., May 14, 1943.

Senator WILLIAM LANGER,
Washington, D. C.:

Please stand firm on the Agricultural Adjustment Administration program as it is today to help increase food production.

KNIFE RIVER FARMERS UNION LOCAL,
EDNA STROM, Secretary.

I have a telegram from Dickinson, in the western section of North Dakota, which reads as follows:

DICKINSON, N. DAK., May 17, 1943.

Hon. Senator WILLIAM LANGER,
Capitol Building, Washington, D. C.:

Urgently request your continued support urging maintenance on statute and operations Triple A Farm Security Administration and Soil Conservation Service. Without these farmers measures disaster might befall farmers this year should crop failure become imminent.

ST. PIOUS FARMERS UNION, LOCAL No. 774.

Here is another telegram from Dickinson, N. Dak., which reads as follows:

DICKINSON, N. DAK., May 19, 1943.

Senator WILLIAM LANGER,
Senate Office Building,

Washington, D. C.:

Stark County Farmers' Union, 1,500 members, are requesting you for the fullest sup-

port and improvement of the entire farm program.

BOARD OF STARK COUNTY
FARMERS' UNION,
SPENCER BOB, Chairman.

Here is another telegram from Wheelock, N. Dak., reading as follows:

WHEELLOCK, N. DAK., May 21, 1943.

Senator WILLIAM LANGER,
Senate Office Building,

Washington, D. C.:

We trust you will now and in the future stand squarely behind the farm people of the State of North Dakota who elected you to your high office, and fight for all the necessary appropriations for a continuation of the triple A and Farm Security Administration.

BROKLYN FARMERS' UNION, No. 364.

GEORGE MOEN, President.

Mrs. A. M. JOHNSON, Secretary.

Here is another telegram from the northwestern section of the State, which reads:

WHEELLOCK, N. DAK., May 21, 1943.

Senator WILLIAM LANGER,
Senate Office Building,

Washington, D. C.:

We urge you to back the appropriation for triple A, Farm Security Administration, and soil-conservation programs, and that the control of triple A remain in hands of county and community committeemen. We ask that the Bank for Cooperatives remain in control of Farm Credit Administration. We also believe in nonrecourse loans and incentive payments for war crops.

VIEW FARMERS' UNION, LOCAL 371,

HOMER LEEN, President.

OSCAR LARSON, Secretary.

Here is one from Ohall, N. Dak., which is close to the Canadian border. The telegram reads as follows:

OHALL, N. DAK., May 25, 1943.

Senator WILLIAM LANGER,
Senate Office Building,

Washington, D. C.:

We of the Farmers' Union, Renville County, demand control of the triple A by elected committeemen, with adequate funds, incentive payments for short crops, and expanded nonrecourse F-2 loans for increase of farm production; also adequate funds for Soil Conservation and Farm Security Administration to operate on, with the farm-labor program and bank of cooperatives handled by the Farm Credit Administration.

RENVILLE COUNTY FARMERS' UNION,
GULLICKSON, Secretary.

Here is a telegram from the town of McGregor, N. Dak.

McGREGOR, N. DAK., May 24, 1943.

Hon. WILLIAM LANGER,

Senate Office Building,

Washington, D. C.:

We ask your support for adequate funds for Farm Security Administration continuation of Agricultural Adjustment Agency payments for war crops partly payments on wheat.

SAUK VALLEY FARMERS UNION LOCAL.

I may add, Mr. President, that there is not a more patriotic group of farmers anywhere in the United States than those around the little town of McGregor, N. Dak. They had 9 continuous years of drought, but, instead of leaving the area, those farmers stayed there, relying upon the programs which they are beginning to have continued. They stayed there during that drought, knowing that the Government, as they thought, was going to help them. It is because of that they are producing large war crops; they are paying their debts, paying what

they owe to the Federal land bank and the mortgage company. If we only leave them alone they will work out their own salvation.

Here is a telegram from Ryder, N. Dak.:

RYDER, N. DAK., May 24, 1943.
WILLIAM LANGER,
Senate Office Building,
Washington, D. C.:

We urge your support of the National Farmers Union in the fight on agricultural appropriation bill in asking: First, adequate appropriation for triple A; second, opposition to putting control of triple A into Extension Service; third, continuation of Regional Agricultural Credit Corporation nonrecourse loan; fourth, funds for incentive payments so that farmers are paid for risk of shifting to war crop production; fifth, \$1,000,000,000 for Farm Security Administration; sixth, \$400,000,000 for soil conservation; seventh, continue Bank of Cooperatives in Farm Credit Administration.

MCLEAN COUNTY FARMERS UNION,
WELDON L. HAUGEN, Secretary.

Here is a telegram from Petersburg, N. Dak., in the northeastern section of the State, a community that is almost solidly Scandinavian, made up of folk who came from Norway and Sweden 20, 30, 40, or 50 years ago, and who are among the most outstanding farmers of the State:

PETERSEBURG, N. DAK., May 13, 1943.
Senator WILLIAM LANGER,
Washington, D. C.:

Farmers Union Local 168 voted unanimously with 74 voting to urge you to oppose with vote and influence any change in the present existing farm program. We want Agricultural Adjustment Agency as is. Federal Security Administration non-recourse loans for war crops. More experienced farm help with plenty farm machinery and repairs. We want to help win this war by producing necessary food and fiber.

LOUIS R. HILLEBRAND, President.

Here is a telegram from Havelock, N. Dak., in the southeastern section of the State:

HAVELOCK, N. DAK., May 25, 1943.
WILLIAM LANGER,
Senate Office Building:

Will appreciate the continuance of your good work on legislation favorable to triple A, Federal Security Administration, and incentive payments.

HAVELOCK FARMERS UNION LOCAL 858.

Mr. President, I wish to say that I hope every Senator will make a study as to how the F. S. A. and the farm program generally are affecting all the Northwestern States. State after State would almost have gone into bankruptcy if it had not been for the fact that the Federal Government sent hundreds of millions of dollars into the States to help finance the farmers. When a farmer could not keep 20 cows, arrangements were made so that he could keep 10; when he could not keep 10, when the drought continued for 8, 9, or 10 years, arrangements were made so that a foundation herd could be retained. The Federal Government did a tremendous amount of good, and it is continuing to do so. I hope that the farm agencies will all be continued and that appropriations necessary to keep them functioning, as they have been functioning in the past, will be granted.

SOME PHASES OF THE POLITICAL SCENE— ADDRESS BY SENATOR DANAHER

[Mr. BUTLER asked and obtained leave to have printed in the RECORD the address delivered by Senator DANAHER before the convention of the Young Republicans of Connecticut, at Hartford, Conn., on May 15, 1943, which appears in the Appendix.]

NEW HORIZONS OF THE REPUBLICAN PARTY—ARTICLE BY SENATOR BALL

[Mr. BALL asked and obtained leave to have printed in the RECORD an article entitled "New Horizons for the Republican Party," written by him, and published in the Nebraska State Journal of May 24, 1943, which appears in the Appendix.]

FARMERS PAYING DEBTS TO GOVERN- MENT—ADDRESS BY SECRETARY OF AGRICULTURE

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address entitled "Farmers Paying Debts to Government," delivered by Hon. Claude R. Wickard, Secretary of Agriculture, on the National Farm and Home Hour, May 26, 1943, which appears in the Appendix.]

AMERICA'S TOMORROW—ADDRESS BY WILLIAM L. NELSON

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an address entitled "America's Tomorrow," delivered by William L. Nelson at the annual convention of Missouri postmasters, Kansas City, Mo., May 18, 1943, which appears in the Appendix.]

BROADEN SOCIAL SECURITY—EDITORIAL FROM COLLIER'S WEEKLY

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an editorial entitled "Broaden Social Security," from the May 22, 1943, issue of Collier's Weekly, which appears in the Appendix.]

PROBLEMS OF COLUMBIA RIVER FISH PACKERS

[Mr. HOLMAN asked and obtained leave to have printed in the RECORD a letter from the Point Adams Packing Co., of Hammond, Oreg., relative to the problems of the Columbia River fish packers, which appears in the Appendix.]

FEEDING THE CHILDREN OF EUROPE— EDITORIAL COMMENT

[Mr. BURTON asked and obtained leave to have printed in the RECORD an editorial entitled "Feed the Children," published in the Columbus (Ohio) Dispatch of May 12, 1943, and an editorial entitled "Food for Hungry Children," published in the Ohio State Journal of May 13, 1943, which appear in the Appendix.]

KING COTTON NEEDS A FRIEND—STATE- MENT BY C. M. HARRISON

[Mr. EASTLAND asked and obtained leave to have printed in the RECORD an article entitled "King Cotton Needs a Friend," by Mr. C. M. Harrison, president of the Bank of Amory, Amory, Miss., which appears in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the bill (S. 495) to establish a Women's Army Auxiliary Corps for service in the Army of the United States, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J.

Res. 128) to authorize an appropriation for work relief in Puerto Rico and the Virgin Islands, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 21), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That the address delivered before the joint meeting of the Members of the two Houses of Congress by the Prime Minister of Great Britain, the Right Honorable Winston Churchill, on Wednesday, May 19, 1943, be printed as a House document, and that 30,000 additional copies shall be printed for the House document room.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 128) to authorize an appropriation for work relief in Puerto Rico and the Virgin Islands, was read twice by its title and referred to the Committee on Territories and Insular Affairs.

PRINTING OF ADDRESS BEFORE CON- GRESS OF PRIME MINISTER WINSTON CHURCHILL, OF GREAT BRITAIN

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 21, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the address delivered before the joint meeting of the Members of the two Houses of Congress by the Prime Minister of Great Britain, the Right Honorable Winston Churchill, on Wednesday, May 19, 1943, be printed as a House document, and that 30,000 additional copies shall be printed for the House document room.

Mr. HAYDEN. I move that the Senate concur in the House concurrent resolution.

The motion was agreed to.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

The Senate resumed the consideration of the joint resolution (H. J. Res. 111) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee on page 1, line 8, which will be stated.

The CHIEF CLERK. On page 1, line 8, after the numerals "1943", it is proposed to insert a colon and the following proviso: "Provided, That every foreign-trade agreement concluded in accordance with the provisions of said act, as amended, shall be subject to termination 6 months after the cessation of hostilities in the present war as fixed by proclamation of the President, pursuant to joint resolution of the Congress or by the President."

Mr. THOMAS of Utah obtained the floor.

URGENT DEFICIENCY APPROPRIATIONS

Mr. McKELLAR. Mr. President, will the Senator yield to me for a moment?

Mr. THOMAS of Utah. I yield to the Senator from Tennessee.

Mr. McKELLAR. I have asked the Senator to yield to me for a moment in

order to see if we cannot make an arrangement temporarily to lay aside the pending business, and take up House bill 2714, making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes. I will state my reason for making such a request. We all know we have increased the overtime pay of a great many Government employees, and unless the urgent deficiency bill is passed and becomes law before next Tuesday, it will lead to the greatest confusion in the making of the payments; in fact they cannot be made.

It is very urgent that they should be made. There are only two possible controversial items in the bill, and I do not think they will lead to extended discussion. I think we can probably pass the appropriation bill in the course of an hour at the outside. I wonder if the Senator from Georgia [Mr. GEORGE] and the Senator from Utah [Mr. THOMAS] would be willing to agree to the unanimous-consent request I now submit.

Mr. President, I ask unanimous consent that House Joint Resolution 111 be temporarily laid aside, and that the Senate proceed to the consideration of House bill 2714, in an endeavor to pass it this morning. If consideration of the bill should lead to any delay, the Senator from Georgia, or the Senator from Utah, or any other Senator can ask for the regular order, and that, of course, would bring back House Joint Resolution 111 for consideration.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Tennessee?

Mr. THOMAS of Utah. Mr. President, reserving the right to object, may I ask the Senator from Tennessee how long it will take to consider the appropriation bill?

Mr. McKELLAR. I do not think it will take more than an hour. One can never tell, however. There are two items in it which will probably take several moments to explain, but I do not think they will lead to any extensive discussion. I believe the bill can be passed within an hour.

Mr. GEORGE. Mr. President, with the understanding that Senators can call for the regular order and displace the appropriation bill if it becomes manifest that its consideration will involve long discussion, I would gladly accommodate the Senator from Tennessee, because I know the necessity for passing the appropriation bill. At the same time, the joint resolution to extend the Trade Agreements Act is in very much the same condition, and I will have to give notice that I shall ask for the regular order if discussion of the appropriation bill becomes protracted.

The VICE PRESIDENT. The Chair will sustain the Senator from Georgia if he calls for the regular order.

Mr. McNARY. Mr. President, in view of the statements made on the floor and conversations had about the matter, I have no objection to the proposed action.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee that House Joint Reso-

lution 111 be temporarily laid aside, and that the Senate proceed to the consideration of House bill 2714?

There being no objection, the Senate proceeded to consider the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will state the amendments of the committee.

The first amendment of the Committee on Appropriations was, under the heading "Title I—General Appropriations—Legislative," on page 2, after line 2, to insert:

SENATE

Office of the Sergeant at Arms and Doorkeeper: For the payment of 21 pages for the Senate Chamber, at \$4 per day each, for the period July 1, 1943, to December 31, 1943, both dates inclusive, \$15,456.

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to insert:

Senate restaurants: For payment to the Architect of the Capitol in accordance with the act approved September 9, 1942 (Public Act 709, 77th Cong.), fiscal year 1943, \$13,592.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 2, after line 21, to insert:

ARCHITECT OF THE CAPITOL

Capitol Building: For an additional amount for the Capitol Building, fiscal year 1943, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1943, \$10,600, to remain available until June 30, 1944.

The amendment was agreed to.

The next amendment was, under the heading "Executive Office of the President—Emergency Fund for the President", on page 3, line 16, after the figures "\$25,000,000", to strike out "Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for the National Resources Planning Board or the Farm Security Administration or for any of the functions of either said Board or said Administration" and insert "Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for any of the functions of any agency of Government for which appropriations have been duly made by the Congress, or for the functions of any agency for which estimates have been submitted by the Budget and for which the Congress has failed to make appropriations: *Provided further*, That this limitation shall not apply to allotments or allocations made to the War Department or the Navy Department."

The amendment was agreed to.

The next amendment was, under the subhead "Office for Emergency Manage-

ment", on page 5, line 7, after the word "exceed", to strike out "\$700,000" and insert "\$834,000" and in line 8, after the word "binding" to strike out "\$4,363,000" and insert "\$4,597,000."

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to insert:

War Shipping Administration: Notwithstanding the provisions of section 203 of the First Supplemental National Defense Appropriation Act, 1943 (Public Law 678), the Office for Emergency Management, War Shipping Administration, may expend during the fiscal year 1943 not to exceed \$294,430 for travel.

The amendment was agreed to.

The next amendment was, under the heading "Independent Executive Agencies", on page 6, after line 1, to insert:

BITUMINOUS COAL CONSUMERS' COUNSEL

Salaries and expenses: For the Office of the Bituminous Coal Consumers' Counsel, fiscal year 1943, in carrying out the functions thereof as created by the Bituminous Coal Act of 1937, as amended (15 U. S. C. 849 and 852), as further amended by the act of April 24, 1943 (Public Law 40), and as further amended, to be supplemental to and merged with the appropriation under this head in the Independent Offices Appropriation Act, 1943, and to be available for the same objects of expenditure, \$16,000, to continue available during the fiscal year 1944: *Provided*, That this appropriation shall not be available for obligation unless and until there shall have been enacted a further extension of said act.

The amendment was agreed to.

The next amendment was, on page 8, after line 13, to insert:

DISTRICT OF COLUMBIA

CONTINGENT AND MISCELLANEOUS EXPENSES

Postage: For an additional amount for postage for strictly official mail matter, including the rental of postage-meter equipment, fiscal year 1943, \$4,000.

Judicial expenses: For an additional amount for judicial expenses, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$1,675.

General advertising: For an additional amount for general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, fiscal year 1941, \$108.40.

Printing and binding: For an additional amount for printing and binding, fiscal year 1943, \$8,200.

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to insert:

REFUND OF ERRONEOUS COLLECTIONS

Refund of erroneous collections: For an additional amount for refund of erroneous collections, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$35,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 9, to insert:

PAYMENT TO JOSEPH SHARFSIN

For payment to Joseph Sharfsin, of the Philadelphia (Pa.) bar, in accordance with the provisions of the act of June 23, 1942 (Private Law 469), \$3,472.39.

The amendment was agreed to.

The next amendment was, on page 9, after line 13, to insert:

HEALTH DEPARTMENT

Tuberculosis sanatoria, expenses: For an additional amount for provisions, and so

forth, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$28,500.

The amendment was agreed to.

The next amendment was, on page 9, after line 18, to insert:

COURTS

THE MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

Salaries: For an additional amount for personal services, including pay of retired judges, fiscal year 1943, \$5,464.14.

The amendment was agreed to.

The next amendment was, at the top of page 10, to insert:

PUBLIC WELFARE

GENERAL ADMINISTRATION, WORKHOUSE AND REFORMATORY, DISTRICT OF COLUMBIA

Support of convicts: For an additional amount for support, maintenance, and transportation of convicts transferred from District of Columbia, fiscal year 1941, including the objects specified under this head in the District of Columbia Appropriation Act, 1941, \$6,033.58.

The amendment was agreed to.

The next amendment was, on page 10, after line 8, to insert:

NATIONAL TRAINING SCHOOL FOR BOYS

National Training School for Boys: For an additional amount for care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract made by the Board of Public Welfare with the Attorney General at a rate of not to exceed \$2 per day for each boy so committed, fiscal year 1942, \$4,562.

The amendment was agreed to.

The next amendment was, on page 10, after line 16, to insert:

NONRESIDENT INSANE

Nonresident insane: For an additional amount for deportation of nonresident insane persons, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$4,500.

The amendment was agreed to.

The next amendment was, on page 10, after line 21, to insert:

MILITIA

For an additional amount for personal services and other expenses, fiscal year 1941, including the objects specified under this head in the District of Columbia Appropriation Act, 1941, \$453.12.

The amendment was agreed to.

The next amendment was, on page 11, after line 2, to insert:

SETTLEMENT OF CLAIMS AND SUITS

For the payment of claims in excess of \$250, approved by the Commissioners in accordance with the act of February 11, 1929, as amended by the act approved June 5, 1930 (45 Stat. 1160; 46 Stat. 500), \$2,152.54.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the amendments dealing with judgments and audited claims be agreed to en bloc. The Government is obligated to pay them.

The VICE PRESIDENT. Is there objection?

There being no objection, the amendments dealing with judgments and audited claims were agreed to en bloc, as follows:

On page 11, after line 7, to insert:

JUDGMENTS

For the payment of final judgments, including costs, rendered against the District of Columbia, as set forth in Senate Document No. 44, together with such further sum as may be necessary to pay the interest at not exceeding 4 percent per annum on such judgments, as provided by law, from the date the same became due until the date of payment, \$11,418.75.

On page 11, after line 15, to insert:

AUDITED CLAIMS

For the payment of the following claims, certified to be due by the accounting officers of the District of Columbia, under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (31 U. S. C. 713), being for the service of the fiscal year 1940 and prior fiscal years:

Public schools, salaries, District of Columbia, 1940, community centers, \$6.08;

General advertising, District of Columbia, 1940, \$11.24;

Support of convicts, District of Columbia, 1940, \$108.80;

Metropolitan Police expenses, District of Columbia, 1939, motor vehicles, \$147.92;

Support of convicts, District of Columbia, 1939, \$328.50;

Support of convicts, District of Columbia, 1938, \$149.40;

Contingent and miscellaneous expenses, 1937, general advertising, \$286;

In all, audited claims, \$1,037.94.

Mr. VANDENBERG. Mr. President, may I ask the Senator from Tennessee if there was any division in the committee with respect to any of the amendments to the bill?

Mr. McKELLAR. Not with respect to the amendments which are being considered now. The two controversial amendments are one which has already been agreed to at the bottom of page 3, and one on page 48, section 304, the last section but one of the bill. As I remember, those two amendments were the only really controversial amendments in the whole bill.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WHITE. The Senator referred to the amendment on page 3 as being a controversial amendment. My recollection is that the discussion in the committee was largely over the form or the draft, rather than the purpose of the proposal. Am I correct in that respect?

Mr. McKELLAR. The Senator is correct. That led me into making a mistake of fact yesterday in discussing another amendment in another bill. I thought the action on that amendment in our committee was unanimous, but by examination of the record it was discovered that the amendment was agreed to by a vote of 11 to 9. Correction of that statement was made at the time. The amendment now referred to, as I remember, was approved by all members of the committee.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. I yield.

Mr. AUSTIN. What specifically is included in the increase made on page 5, line 7, of approximately \$134,000 for printing and binding?

Mr. McKELLAR. That refers to an overnight printing service, for which an additional sum of money was found to be necessary.

Mr. AUSTIN. Does House bill 2714 comprehend printing and binding of reports of a historical nature concerning the last World War and the peace?

Mr. McKELLAR. This bill does not. That item will come up in the appropriation bill for the State Department, which is now before the committee. The hearings on the State Department bill have been completed. When that measure comes up the Senator will find contained therein the item to which he refers.

Mr. AUSTIN. I am interested in having that item allowed, if possible.

The VICE PRESIDENT. The clerk will state the next committee amendment.

The next amendment was, on page 12, after line 12, to insert:

TEMPORARY INCREASE IN COMPENSATION FOR CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA

For additional amounts for appropriations for the fiscal year 1943 for the payment of increases in compensation authorized by the act of April 1, 1943 (Public Law 22, 78th Cong.), as follows:

For poundmaster, salaries, District of Columbia, 1943, \$175;

Commission on Mental Health, District of Columbia, 1943, \$525;

Public schools, salaries, District of Columbia, 1943: Administrative and supervisory, \$11,373; attendance officers, \$265; teachers and librarians, \$470,700; in all, \$482,338;

Recreation Board, salaries and expenses, District of Columbia, 1943, \$14,305;

Metropolitan Police, salaries, District of Columbia, 1943: Pay and allowances, officers and members, \$48,000;

Fire Department, salaries, District of Columbia, 1943: Pay of officers and members, \$7,000;

Gallinger Municipal Hospital, salaries, District of Columbia, 1943, \$36,000;

Probation system, courts, District of Columbia, 1943, \$750;

In all, \$589,093.

The amendment was agreed to.

The next amendment was, on page 13, after line 11, to insert:

HIGHWAY FUND, GASOLINE TAX, AND MOTOR VEHICLE FEES

DEPARTMENT OF VEHICLES AND TRAFFIC

Expenses: For an additional amount, fiscal year 1941, for purchase, installation, and modification of electric traffic lights, signals and controls, and so forth, including the objects specified under this head in the District of Columbia Appropriation Act, 1941, \$468.19.

The amendment was agreed to.

The next amendment was, one page 13, after line 19, to insert:

REFUND OF PAVING ASSESSMENTS

Refund of paving assessments: For the refund in part of paving assessments paid by abutting property owners in connection with the restoration of abandoned street railway track areas, where portions of such assessments were subsequently paid by the street railway company, \$7,426.65, payable from the special fund created by the act of April 23, 1924, as amended by the act of August 17, 1937.

The amendment was agreed to.

The next amendment was, on page 14, after line 3, to insert:

WATER SERVICE

Washington aqueduct: For an additional amount for operation, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$174,763, payable wholly from the revenues of the Water Department.

The amendment was agreed to.

The next amendment was, on page 14, after line 9, to insert:

DIVISION OF EXPENSES

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Acts for the respective fiscal years for which such sums are provided.

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior," on page 15, after line 1, to insert:

OFFICE OF THE SECRETARY BITUMINOUS COAL DIVISION

For the Bituminous Coal Division, fiscal year 1943, in carrying out the purposes of the Bituminous Coal Act of 1937, as amended (15 U. S. C. 828-849), as further amended by the act of April 24, 1943 (Public Law 40), and as further amended, to be supplemental to and merged with the appropriation under this head in the Interior Department Appropriation Act, 1943, and to be available for the same objects of expenditure, \$800,000, to continue available during the fiscal year 1944: *Provided*, That this appropriation shall not be available for obligation unless and until there shall have been enacted a further extension of said act.

The amendment was agreed to.

The next amendment was, on page 15, after line 15, to insert:

BUREAU OF INDIAN AFFAIRS

Maintenance, Wapato irrigation and drainage system, etc., Yakima Reservation, Wash. (receipt limitation): For operation and maintenance of the Wapato irrigation and drainage system and auxiliary units thereof, Yakima Indian Reservation, Wash., fiscal year 1943, \$20,000, to be added to the \$165,980 appropriated for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 520).

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Reclamation," on page 16, after line 15, to insert:

GEOLOGICAL SURVEY

To enable the Geological Survey to meet obligations incurred by it arising from cooperative work pending reimbursement from cooperating agencies in accordance with the provisions of the acts of February 27, 1925 (43 U. S. C. 39, 40); May 10, 1926, as amended (43 U. S. C. 48); June 17, 1935 (43 U. S. C. 49); March 4, 1915, as amended (31 U. S. C. 686); and July 2, 1943 (56 Stat. 537-539), fiscal year 1943, \$400,000, which amount shall be placed to the credit of the 1943 appropriation account of the Geological Survey: *Provided*, That there shall be returned to the Treasury not later than 6 months after the close of the fiscal year 1943 out of reimbursements received from cooperating agencies an amount equal to the sum herein appropriated.

The amendment was agreed to.

The next amendment was, on page 17, after line 5, to insert:

GOVERNMENT IN THE TERRITORIES

Salaries and expenses, Government of the Virgin Islands: For an additional amount

for salaries and expenses, fiscal year 1943, including the objects specified for the appropriation for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 560), \$7,000.

Salaries and expenses, agricultural experiment station and vocational school, Virgin Islands: For an additional amount for salaries and expenses, fiscal year 1943, including the objects specified for the appropriation for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 560), \$2,100.

Defraying deficits in treasuries of municipal governments, Virgin Islands: For an additional amount, fiscal year 1943, for defraying the deficit in the treasury of the municipal government of St. Croix because of the excess of current expenses over current revenues for the fiscal year 1943 (56 Stat. 560), \$45,000.

The amendment was agreed to.

The next amendment was, at the top of page 18, to insert:

PUERTO RICAN HURRICANE RELIEF

The limitation of \$19,950 upon the amount that may be expended for administrative expenses, Puerto Rican Hurricane Relief, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$22,350.

The amendment was agreed to.

The next amendment was, on page 19, after line 19, to insert:

POST OFFICE DEPARTMENT (Out of the postal revenues) OFFICE OF THE CHIEF INSPECTOR

Clerks, division headquarters: For an additional amount for compensation of 332 clerks at division headquarters and other posts of duty of post-office inspectors, fiscal year 1943, \$8,800.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to insert:

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Star Route Service: For an additional amount for inland transportation by star routes (excepting service in Alaska), including temporary service to newly established post offices, fiscal year 1942, \$14,000.

Railway Mail Service: For an additional amount for Railway Mail Service, salaries, fiscal year 1943, \$5,375,000.

Railway postal clerks, travel allowance: For an additional amount for travel allowance to railway postal clerks and substitute railway postal clerks, fiscal year 1943, \$375,000.

Railway Mail Service, traveling expenses: For an additional amount for Railway Mail Service, traveling expenses, fiscal year 1943, \$3,000.

Domestic air-mail service: For an additional amount for the inland transportation of mail by aircraft, including the objects specified under this head in the Post Office Department Appropriation Act for the fiscal years which follow, respectively:

For 1941, \$192,541;

For 1942, \$327,891.

The amendment was agreed to.

The next amendment was, on page 20, after line 23, to insert:

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

Indemnities, domestic mail: For an additional amount for payment of indemnities, including the objects specified under this head in the Post Office Department Appropriation Acts for the fiscal years which follow, respectively:

For 1942, \$110,000;

For 1943, \$660,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 7, to insert:

WAR DEPARTMENT CIVIL FUNCTIONS UNITED STATES SOLDIERS' HOME

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home permanent fund, \$44,800: *Provided*, That no part of the Soldiers' Home permanent fund shall be used for the payment of salaries including overtime in excess of amounts fixed by the Board of Commissioners for the Soldiers' Home.

The amendment was agreed to.

The next amendment was, under the heading "Title II—War overtime pay and other compensation increase," on page 27, at the end of line 15, to increase the appropriation for "Salaries, Freedmen's Hospital, Federal Security Agency," 1943, from \$22,700 to \$28,700.

The amendment was agreed to.

The next amendment was, on page 28, after line 6, to insert:

Foreign quarantine service, Public Health Service, 1943, \$10,000.

The amendment was agreed to.

The next amendment was, on page 28, at the end of line 25, to increase the total appropriation for the Federal Security Agency, from \$2,162,700 to \$2,178,700.

The amendment was agreed to.

The next amendment was, under the subhead "War Department—Civil functions," on page 42, after line 9, to strike out:

Soldiers' Home permanent fund (trust fund), 1943, \$44,800.

The amendment was agreed to.

The next amendment was, on page 42, at the end of line 16, to reduce the total appropriation for civil functions of the War Department from \$359,400 to \$314,600.

The amendment was agreed to.

The next amendment was, on page 45, at the end of line 25, to reduce the total appropriation under section 201, for additional amounts for appropriations for the fiscal year 1943 for the payment of increases in compensation authorized by law, from \$121,899,751 to \$121,870,951.

The amendment was agreed to.

The next amendment was, under the heading "Title III—General provisions," on page 48, line 1, after the words "United States", to strike out the colon and the following proviso: "*Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with."

The amendment was agreed to.

The next amendment was, on page 48, after line 10, to strike out:

SEC. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this act, or (2) which is now, or which is hereafter made, available under or pursuant to any other act, to any department, agency, or instrumentality of the United States, shall be used to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Jr., and Robert Morris Lovett: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to the date of the enactment of this act: *Provided further*, That this sec-

tion shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States, nor any benefit, pension, or emolument resulting therefrom.

Mr. McNARY. Mr. President, let me ask if there was a division in the committee over the deletion of section 304.

Mr. McKELLAR. Mr. President, there were a great many expressions of opinion as to section 304; but the committee took the position that either last year or the year before a similar item was carried as to Goodwin V. Watson, and the committee sustained the item at that time, and the bill as reported to the Senate contained the provision. The Senate by a viva voce vote, I believe—I do not think there was a yea-and-nay vote—overruled the committee. Under the circumstances, the Senate having taken that position on a previous occasion, we felt it probably would take the same position in this instance; and so we struck out the item so that it could go to conference and be considered there. I shall ask the Senator from Maine [Mr. WHITE], who is a member of both the subcommittee and the full committee, if my statement is not substantially correct?

Mr. WHITE. Mr. President, I think the Senator is, as usual, entirely correct. The item, as the Members of the Senate know, deals with a very controversial matter. It was the attitude of the Senate, when the problem was last before us, that we should not in such a way attempt to deal with the status of the three men involved. The Appropriations Committee has conformed its present action to the previously expressed view of the Senate. There has been, and there is, so much division in the other branch of Congress with respect to this matter that it would also seem advisable to the members of the Senate committee that this subject might perhaps well be pursued further and that further study might well be given to it in the conference committee. Whether any solution is possible, I do not know. I simply know that, for myself, I am opposed to the proposed method.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. WHITE. I yield.

Mr. LA FOLLETTE. Let me ask whether any evidence was presented to the subcommittee of the Senate Appropriations Committee in connection with the matter.

Mr. WHITE. I was not a member of the subcommittee which considered the bill. My impression is—although the Senator from Tennessee can answer—that the subcommittee acted upon the past record which had been built up in the case and was very substantially influenced by the past action of the Senate itself with respect to it. I think I am correct, but I am not certain.

Mr. LA FOLLETTE. Let me say to the Senator from Tennessee that I asked the Senator from Maine whether any evidence had been adduced before the Senate subcommittee in connection with the three men involved in the amendment on page 48.

Mr. McKELLAR. Mr. President, as I recall, the only evidence adduced was in behalf of striking out the provision and none was adduced for retaining it.

Mr. LA FOLLETTE. Can the Senator advise me whether I have been correctly informed? It has been stated to me that the action of the House was predicated on the findings of the so-called Kerr committee.

Mr. McKELLAR. I have heard that, but there was no evidence of that kind before our committee.

Mr. LA FOLLETTE. The further statement has been made that the evidence taken by the Kerr committee was not available to the House. I wondered whether it had been made available to the Senate committee.

Mr. McKELLAR. It had not; and that was an additional reason why the committee, with practical, if not entire, unanimity, concluded to strike out the item and to give them an opportunity to make a showing later.

Mr. WHITE. Mr. President, a moment ago I said to the Senator from Wisconsin that, in my opinion, no new testimony was presented to the subcommittee on this matter, but that the subcommittee and the full committee acted on the past record of the Senate with respect to it.

Mr. McKELLAR. In addition to that, there were a number of witnesses before the subcommittee. Independent witnesses came down from New York and the Secretary of the Interior appeared before the committee and very vigorously opposed it, and probably other officials of the Government appeared. All the witnesses before our committee were in opposition to it.

Mr. LA FOLLETTE. The only reason for my interruption of the Senator from Maine was that if the information which had been given to me was correct, namely, that the action was taken without the testimony or the evidence which had been the basis for the action of the House committee being presented to the House itself, it would seem to me a most unusual procedure. Certainly, a man or a group of men have the right to be confronted with the testimony upon which it is proposed that he or they be denied the right to his or their livelihood. Let me say further that I have grave question as to whether depriving a person of his position in this way does not violate in spirit, if not in letter, the provision in the Constitution which prohibits Congress from enacting a bill of attainder.

However, be that as it may, on the basis of the statements made to me, if the evidence on which the House text is predicated has not been made public, it would be, in addition, a most unfortunate precedent. Surely a man has a right to be confronted with the evidence against him in a court, committee, or forum, where he may refute it if he can.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. WHITE. I take it the Senator does not mean that what he is now saying is addressed to the action of the Senate committee.

Mr. LA FOLLETTE. No.

Mr. WHITE. I wanted that to be made clear.

Mr. LA FOLLETTE. Certainly; but the point is that I wished to ascertain, if I could, whether the information which had been given to me was correct, and whether any evidence had been made available to the Senate Appropriations Committee upon which any such action could be justified, waving aside for the moment the question of whether it is within the power of Congress to enact legislation of this character. I rose to ask the Senator the question because I was most anxious to know what the record showed in that regard. I confess that I have not had an opportunity to read it. I have been busy with other matters.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. CONNALLY. Without expressing any view as to what the Senate should do, it seems to me that the power of the Senate to do this, if it so desires, is clear. No man has a constitutional title to a job. Since it is within the power of Congress to appropriate for any purpose, or not to appropriate, Congress undoubtedly has the power. It may be a foolish exercise of the power.

Mr. LA FOLLETTE. Mr. President, with all due respect to the legal attainments of the Senator from Texas, let me say that there are very able lawyers who take exactly the opposite view, and who hold that such action would be violative of the provisions of the Constitution. However, that is not unusual. I do not know how able lawyers could continue to earn a livelihood unless they were able to disagree on propositions of law.

Mr. CONNALLY. The Senator has anticipated me. I was about to observe that the fact that able lawyers disagree is what supports the legal profession.

Mr. LA FOLLETTE. That is why they are able to eat. Nevertheless, after reading the arguments on both sides of the constitutional question, the Senator from Wisconsin has grave doubt whether Congress has the right to enact such legislation. In the present state of the record, I certainly hope that the Senate conferees will make an ardent fight for the Senate's amendment. I wished to have the RECORD show that the Senate has an understanding of the question and is aware of the action which it is taking in this regard.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 48, after line 10.

The amendment was agreed to.

The next amendment was, on page 49, line 3, to change the section number from 305 to 304.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments. The bill is before the Senate and open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 2714) was read the third time and passed.

Mr. McKELLAR. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. McKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. NYE, and Mr. LODGE conferees on the part of the Senate.

Mr. McKELLAR. Mr. President, I wish to thank the leaders on both sides, as well as the Senator from Georgia [Mr. GEORGE], the Senator from Utah [Mr. THOMAS], and other Senators who aided in the passage of this bill so that the urgent deficiency appropriations may be made available as soon as possible.

Mr. LUCAS. Mr. President, I desire to invite the attention of the able Senator from Tennessee in charge of the bill just passed to the amendment on pages 3 and 4 of the bill. I do so now, because, like the Senator from Tennessee, I desire to see the trade-agreements measure which is before the Senate taken up as soon as possible. Therefore I did not present this matter while the Senate was considering the bill a few moments ago. However, I hope that the Senator from Tennessee and the other members of the conference committee will take to conference and seriously consider what I have to say.

It seems to me that the amendment which has been agreed to may be so restrictive as to contradict the purposes for which the emergency fund was originally established. I seriously question that the language of the amendment as amended does not restrict the use of funds to the purposes for which Congress has heretofore made appropriation or authorization. It provides that such sums may not be spent by any agency for which Congress has made an appropriation, or by any agency for which estimates have been submitted by the Bureau of the Budget, and for which Congress has failed to make appropriations. It seems to me that it would restrict the funds to purposes for which Congress has made authorization, but for which no estimate of appropriation was ever submitted, or for which Congress has made no appropriation.

I honestly believe that the situation is somewhat confused. There may be considerable doubt as to the purposes for which the President's fund may now be used, or whether it may be used at all. The amendment would seem to require that the agency which is to spend the funds must be one for which no appropriation has been made, and thus would seem to include the Executive Office of the President, for which Congress has made appropriations. In other words, if my interpretation is correct, the President is given a fund which he himself may not spend, and which no agency may spend unless it is one for which no appropriation has been made or refused by the Congress.

I wished to put that statement into the Record at this time with the sincere

hope and expectation that it may be considered in conference.

Mr. McKELLAR. Mr. President, I am very happy that the Senator has put the statement in the Record. It will be considered by the conferees. Of course, this amendment will put the whole question into conference.

Mr. LUCAS. That is correct.

Mr. McKELLAR. The amendment can be changed, or amended, or even stricken out in conference. The whole subject will be before the conferees. So I am sure that if the amendment would adversely affect anyone in the executive department, or any other department, the conferees will hear about it. The matter will certainly be brought to their attention and considered very carefully.

Mr. LUCAS. I appreciate the last statement made by the Senator. I am satisfied that it is only a question of the rearrangement of the language, and that the committee does not mean to do what I contend it has done. It may be that I am mistaken. However, I believe there is merit in what I have said, and that the question should be carefully considered by the conferees.

Mr. HAYDEN. Mr. President, according to the way the amendment reads, if an appropriation has been made by Congress, no money may be expended from the President's emergency fund for that purpose; or if a Budget estimate has been submitted, no money may be expended from the fund unless Congress should allow it. There are instances of Congress having authorized work to be done, for which no estimates have been submitted—as, for example, the Florida ship canal. As the amendment reads, it would be possible to use this fund to build the Florida ship canal. I think the question had better be looked into carefully in conference.

Mr. McKELLAR. That will certainly be done. The Senator from Arizona is one of the conferees, so I am sure no injustice will be done.

POST-WAR PLANNING

Mr. WILLIS. Mr. President, yesterday the Senate spent a great deal of time discussing the question of planning for post-war domestic problems. The disposition of the Government to create new agencies for planning for present emergencies or post-war objectives is too often an admission of the unwillingness of the present agencies and institutions to function, whether through lack of vision or of application. Such planning can best be done by those duly charged with the responsibility to do it.

In no field is this more true than with reference to the present war or the mechanics of the peace to follow. In this instance the failure of Congress to plan intelligently for the future is due to the paucity of information which comes to the Congress from those charged with the conduct of the war and with the policies between nations associated in the war. This indicates the desire of the executive department to conduct these tremendous tasks without the counsel of the Congress. It points clearly to the intent of the administration to write its

own plan for peace without counseling with the Congress. Twenty-four years ago the Nation had an outstanding example of the dire results of such a policy in the failure to reconcile the unconsulted wish of the Congress in making the terms of peace. We ought to avoid another such experience.

The able junior Senator from Wisconsin [Mr. WILEY] has offered a plan to bring about closer cooperation among the branches of our Government responsible for determining the peace. The plan is now under consideration in the Committee on Foreign Relations. I am taking this brief time from the business of the Senate to urge on the Committee of Foreign Relations the early consideration of the plan proposed by the able Senator from Wisconsin to bring unity of thought between the Executive and the Congress in this highly important task.

In the Washington Post of one day this week there appeared an editorial strongly urging consideration of this proposal. I ask that the editorial be printed in the Record at this point as a part of my remarks, in further support of the request I have made.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

TELLING CONGRESS

The enthusiasm with which Congress received Prime Minister Churchill last week was not wholly due to warmth of feeling for our British Allies or to admiration for a great statesman. In part, it reflected the hunger of Congressmen for news and background information about the war. This was the first opportunity the great majority of Senators and Representatives have had to get a firsthand report on the Tunisian campaign or the war in general in recent months.

When President Roosevelt returned from Casablanca, there was hope that he would report to Congress on the progress of the war and on such plans for future action as could be revealed without giving valuable information to the enemy. Instead the President's speech on his trip was made at a dinner given by the White House Correspondents' Association. Even when the great victory in north Africa was won, there was no report on the matter to Congress. Legislators had to await the arrival of Mr. Churchill from London to obtain an authoritative review of this notable achievement. Later Mr. Churchill also met in executive session with the Foreign Relations Committees of both Houses and answered questions about the war in the best House of Commons manner.

The effect of Mr. Churchill's candor and his consideration for the legislative branch is to turn the spotlight once more upon the dangerous lack of cooperation between the White House and Congress. Our legislators are expected to vote staggering sums for the war, to support every proposal advanced by the Commander in Chief, and to prepare for the restoration of peace without being kept informed as to how the battle is going. The liaison between the executive and the legislative branches is so poor that the latter looks hopefully to foreign visitors for information on which intelligent policies can be based.

This sort of separatism could be justified only on the theory that the administration is solely responsible for the conduct of the war and the making of peace when the guns have been silenced. But, of course, that responsibility is not wholly on the executive branch. White House policy must be supported at every turn by legislation which

only Congress can enact. And the peace treaty will have to win the support of two-thirds of the Senate. In the circumstances full understanding and cooperation between the two are basic essentials of any sound formula for winning the war and the peace.

Why, then, has the Senate Foreign Relations Committee been so dilatory in reporting out the Wiley resolution calling for a Foreign Relations Advisory Council to act as a liaison between the Executive and legislative officials who share the duty of planning for a lasting peace? The President is unquestionably right in laying great store upon a meeting between himself, Mr. Churchill, and Marshal Stalin. But the only sound basis on which international cooperation in the post-war world can be laid is cooperation within our own Government in working out the objectives for which the United States will be prepared to stand. Negligible progress in that direction has been made, even though the White House and Capitol are but 2 miles apart.

Ten months before Pearl Harbor Senator WILEY introduced another resolution asking the Secretary of State to report in executive session of the Senate Foreign Relations Committee on the threat of war in the Far East and our preparations to meet it. At that time the State Department knew that war in the Pacific was rapidly approaching. But the resolution was pigeonholed. The committee did not get the information sought. No adequate preparations to meet an attack were made. The United States was humiliated at Pearl Harbor and a great sacrifice of human life will be necessary to regain what we have lost in the Far East. No one can say with assurance how the situation would have been changed if the information in the hands of the State Department had been conveyed to key Members of Congress. This much, however, is certain: the withholding of such information makes it impossible for the representatives of the people to act intelligently in the face of a global crisis. The Senate cannot act too quickly to bridge this dangerous gap between executive and legislative action while the problems of the forthcoming peace are still in the discussion stage.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

The Senate resumed the consideration of the joint resolution (H. J. Res. 111) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

Mr. LANGER. Mr. President, I rise to invite attention to a most distressing situation which may have an important influence in slowing up the actual winning of the war.

We have before us the question of extending the reciprocal trade-agreement authority for another period of time. The academic bureaucrats who label themselves as experts, but who are not experts, have raised the false and deceitful hue and cry that the reenactment of these destructive and highly dangerous alleged reciprocal trade treaties is necessary and required as a war emergency, and as a measure to develop unity among ourselves and our allies.

This is a falsehood. The mute evidence of the destructiveness to American farmers and workers is a matter of record which is backed up by a preponderance of sworn testimony.

The American people, particularly our workers who toil in our factories and mines and our farmers who sweat and work long hours on the farms, have been grossly deceived by these alleged experts

who have taken upon themselves the rights and prerogatives of the elected Members of Congress. These governmental bureaucrats are determined to make treaties. They have grand ideas of setting up a world to their own liking. They do not seem to care what it costs the workers and farmers of America. Over the years they have set up a secret super-government, within the Government, which has successfully pulled the wool over the eyes of the people, and these bureaucrats now feel that they control all political parties. They have convinced themselves that they can do as they please, because they think they can control or influence the judiciary, the administrative, and the legislative departments of Government.

Thus far, the people have endured this infamy with bovine complacency. The people have been deliberately confused by these wasters of the people's money who have wormed their way into high places of nonselective Government policy-making positions. These dangerous bureaucrats have almost succeeded in setting class against class. They have deliberately defamed and belittled the legal profession, because it is largely represented in the legislative body, and constitutes the personnel of the courts. They have loaded the various divisions of the Federal Government with their sixth columnists, represented by young, callow college graduate fledglings, most of whom never worked a day with their hands, and who do not know what it means to earn an honest dollar by the sweat of their brows. I call upon every farmer to look over and study his local, State, and Federal tax bills, and see how many tax dollars he has had to pay for being deceived by these sixth columnist internationalists into thinking he is being benefited.

I call on the men and women who toil and labor in the mines, in the factories, in American industry, and on the American farms, to become curious and ask questions. We know that it is impossible to get something for nothing. We know that we must expend an honest effort to receive an honest reward. What has happened is that these bureaucrats have taken away from the people hard-earned wages by means of hidden, indirect, punitive, and direct taxes to a greater extent than they have given back to them alleged benefits from these treaties. They have made it appear that honest farmers are opposed to honest workers and toilers. They have skillfully organized a sentiment among our workers and farmers that because an American business or an American industry, under our American Constitution, expands and develops, and becomes big, it is something evil, which the workers and farmers should abhor and oppose in every manner.

They want to control our banks and financial institutions, and make office boys and girls out of the Members of the Nation's Congress. In a deceptive manner, they have developed a sentiment that politics is something unclean, untouchable, and horrible. Webster's Dictionary defines the word "politics" as the science of civil government. They are opposed to the practical application of the science

of civil government by the people of this Republic. They are opposed to the orderly processes of civil government. That is why the Federal bureaucrats defame the word "politics." That is why Federal bureaucrats, who are appointed to their jobs, belittle the orderly operation of the system of checks and balances developed by the various American political parties since the creation of the Republic. That is why Federal bureaucrats want to take over the functions of the Congress and rule the Nation by directives, decrees, regulations, and dictatorial practices. That is why they flout and ignore the Congress. Much of the slander and most of the slurs which have been directed against the Nation's Congress have been promoted in a subversive manner by Federal bureaucrats.

They have bungled the food production system in America. Their false ideologies ordered the little pigs to be slaughtered, and our wheat and cotton to be plowed under, and they have driven farm workers to the crowded cities to compete with factory workers for their daily bread. They have set up and put into operation alleged reciprocal trade treaties which have totally bankrupted and destroyed many vegetable growers who are now urgently needed to provide food for the present war emergency. These Federal bureaucrats have by directives, decrees, regulations, and dictatorial practices curtailed the planting of fields for the production of foodstuff, thereby driving men and women out of the food-production industry, while they have permitted the alleged reciprocal trade treaties to build up vast vegetable growing organizations in Cuba and other foreign countries whose production comes into this country under conditions utterly destructive to our American vegetable grower. The shame of it all is that this vegetable-producing industry in Cuba was made possible by the infamous operation of the Cuban trade agreement which reduced the tariff on tomatoes and other vegetables to less than one-half the difference of the cost of production, and permitted favored American financial speculators to invest their funds in Cuban vegetable growing.

These destructive, alleged reciprocal trade treaties are just one outstanding evidence of what these bureaucrats are doing. They have become convinced that they are so powerful they can push the Nation's Congress around at will. They lied to the people and the Congress when they said they had to have the blank checks on the National Treasury for emergency purposes. They are lying now when they say they need these alleged reciprocal trade treaties for good neighbor purposes and to keep faith with our allies during this war.

This program of the reciprocal trade agreement authority is in complete disrepute with a great majority of the people of the United States. The farmers are practically in unity against its extension. If there is anything in this war emergency ghost, then we should not extend this authority, as the farmer with his program of contributing to the war effort by raising more food will be much perturbed by such action. If it is im-

78TH CONGRESS
1ST SESSION

H. R. 2714

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 1943

Ordered to be printed with the amendments of the Senate numbered

AN ACT

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, to supply urgent
5 deficiencies in certain appropriations for the fiscal year ending
6 June 30, 1943, and for prior fiscal years, and for other
7 purposes, namely:

TITLE I—GENERAL APPROPRIATIONS

LEGISLATIVE

(1)SENATE

(2)Office of the Sergeant at Arms and Doorkeeper: For the payment of twenty-one pages for the Senate Chamber, at \$4 per day each, for the period July 1, 1943, to December 31, 1943, both dates inclusive, \$15,456.

(3)Senate Restaurants: For payment to the Architect of the Capitol in accordance with the Act approved September 9, 1942 (Public Act 709, Seventy-seventh Congress), fiscal year 1943, \$13,592.

HOUSE OF REPRESENTATIVES

For payment of forty-seven pages, including ten pages for duty at the entrances to the Hall of the House, from July 1 to December 31, 1943, both inclusive, at \$4 per day each, \$34,592.

For an additional allowance for stationery of \$300 for each Representative, Delegate, and the Resident Commissioner from Puerto Rico, for the first session of the Seventy-eighth Congress, \$131,400, to remain available until June 30, 1944.

(4)ARCHITECT OF THE CAPITOL

Capitol Buildings: For an additional amount for the Capitol Building, fiscal year 1943, including the same objects specified under this head in the Legislative Branch Appropria-

tion Act, 1943, \$10,600, to remain available until June 30, 1944.

EXECUTIVE OFFICE OF THE PRESIDENT

FOREIGN WAR RELIEF

The appropriation "Foreign war relief" contained in the Second Deficiency Appropriation Act, 1942, is hereby continued available until June 30, 1944.

EMERGENCY FUND FOR THE PRESIDENT

The appropriation "Emergency fund for the President," contained in the First Supplemental National Defense Appropriation Act, 1943, as supplemented by the Second Supplemental National Defense Appropriation Act, 1943, is hereby continued available until June 30, 1944, and the limitation on the amount which may be expended for objects of a confidential nature is hereby increased by \$25,000,000:

~~(5) Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for the National Resources Planning Board or the Farm Security Administration or for any of the functions of either said Board or said Administration~~ *Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for any of the functions of any agency of Government for which appropriations have been duly made by the Congress, or for the functions of any agency for which estimates have been submitted by the Budget and for which*

1 *the Congress has failed to make appropriations: Provided*
 2 *further, That this limitation shall not apply to allotments or*
 3 *allocations made to the War Department or the Navy*
 4 *Department.*

5 DEFENSE AID

6 In carrying out the Act of March 11, 1941 (Public Law
 7 11), as amended, transfers are authorized to be made from
 8 the consolidated appropriation for "Necessary services and
 9 expenses" to the consolidated appropriation for "Adminis-
 10 trative expenses" and the amounts so transferred shall be
 11 reimbursed by transfer from the appropriation first made
 12 hereafter for "Administrative expenses" for carrying out such
 13 Act as amended.

14 OFFICE FOR EMERGENCY MANAGEMENT

15 War Production Board: For an additional amount for
 16 the Office for Emergency Management, War Production
 17 Board, fiscal year 1943, including the objects specified for
 18 the appropriation under this head in the First Supplemental
 19 National Defense Appropriation Act, 1943, and including
 20 the purchase or hire of fifteen passenger-carrying automo-
 21 biles; reimbursement, at not to exceed 3 cents per mile, of
 22 employees for expenses incurred by them in performance of
 23 official travel in privately owned automobiles within the
 24 limits of their official stations; not to exceed \$20,000 for the
 25 temporary employment of persons (including aliens) or

1 organizations by contract or otherwise without regard to the
 2 civil service and classification laws; not to exceed \$1,250,000
 3 additional for scientific research on materials, material sub-
 4 stitutes, and other subjects related to the functions of the
 5 Board; and, in addition to the amounts authorized by section
 6 203 of such Act, not to exceed \$1,207,000 for travel, and
 7 not to exceed ~~(6)\$700,000~~ \$834,000 for printing and bind-
 8 ing; ~~(7)\$4,363,000~~ \$4,597,000.

9 ~~(8)~~ *War Shipping Administration: Notwithstanding the pro-*
 10 *visions of section 203 of the First Supplemental National*
 11 *Defense Appropriation Act, 1943 (Public Law 678), the*
 12 *Office for Emergency Management, War Shipping Adminis-*
 13 *tration, may expend during the fiscal year 1943 not to exceed*
 14 *\$294,430 for travel.*

15 OFFICE OF PRICE ADMINISTRATION

16 For printing and binding for the Office of Price Admin-
 17 istration, fiscal year 1943, in addition to the amount author-
 18 ized by section 203 of the First Supplemental National
 19 Defense Appropriation Act, 1943, \$3,000,000: *Provided,*
 20 *That the limitation on the amount for printing and binding*
 21 *for the Office of Price Administration for such fiscal year*
 22 *shall not apply to obligations incurred for the printing of*
 23 *forms, instructions, regulations, and coupon books incidental*
 24 *to the rationing of commodities,*

INDEPENDENT EXECUTIVE AGENCIES

(9) BITUMINOUS COAL CONSUMERS' COUNSEL

Salaries and expenses: For the Office of the Bituminous Coal Consumers' Counsel, fiscal year 1943, in carrying out the functions thereof as created by the Bituminous Coal Act of 1937, as amended (15 U. S. C. 849 and 852), as further amended by the Act of April 24, 1943 (Public Law 40), and as further amended, to be supplemental to and merged with the appropriation under this head in the Independent Offices Appropriation Act, 1943, and to be available for the same objects of expenditure, \$16,000, to continue available during the fiscal year 1944: Provided, That this appropriation shall not be available for obligation unless and until there shall have been enacted a further extension of said Act.

FEDERAL SECURITY AGENCY

PUBLIC HEALTH SERVICE

Miscellaneous and contingent expenses: For an additional amount for "Miscellaneous and contingent expenses", fiscal year 1943, including the objects specified under this head in the Federal Security Agency Appropriation Act, 1943, \$31,000.

Training for nurses, Public Health Service (national defense): For an additional amount for "Training for nurses (national defense)", fiscal year 1943, including the objects

1 specified under this head in the Federal Security Agency
2 Appropriation Act, 1943, \$609,000.

3 FREEDMEN'S HOSPITAL

4 Miscellaneous expenses: For an additional amount for
5 "Miscellaneous expenses", Freedmen's Hospital, fiscal year
6 1943, including the objects specified under this head in the
7 Federal Security Agency Appropriation Act, 1943, \$55,000:
8 *Provided*, That the foregoing appropriation shall be charge-
9 able to the District of Columbia as specified under this head
10 in such appropriation act.

11 HOWARD UNIVERSITY

12 For an additional amount, for "Expenses, Howard Uni-
13 versity", for the fiscal year 1943, to be used for partial or
14 total conversion of the existing power plant at Howard
15 University from the use of oil as fuel to the use of coal or for
16 an additional boiler and facilities for use of coal as fuel,
17 including the cost of engineering and architectural services,
18 \$229,500, to be available until June 30, 1944.

19 FEDERAL WORKS AGENCY

20 PUBLIC BUILDINGS ADMINISTRATION

21 Salaries and expenses, public buildings and grounds in
22 the District of Columbia and adjacent area: For an additional
23 amount, fiscal year 1943, including the objects specified
24 under this head in the Independent Offices Appropriation
25 Act, 1943, \$1,203,800.

1 Salaries and expenses, public buildings and grounds out-
 2 side the District of Columbia: For an additional amount,
 3 fiscal year 1943, including the objects specified under this
 4 head in the Independent Offices Appropriation Act, 1943,
 5 \$876,000.

6 VETERANS' ADMINISTRATION

7 Vocational rehabilitation revolving fund (Act of March
 8 24, 1943): To enable the Administrator of Veterans'
 9 Affairs to carry out the provisions of paragraph 8, part VII,
 10 of Veterans Regulation Numbered 1 (a), as amended by
 11 Public Law 16, Seventy-eighth Congress, \$500,000, to be
 12 utilized as a revolving fund and to remain available until
 13 expended.

14 (10)DISTRICT OF COLUMBIA

15 (11)CONTINGENT AND MISCELLANEOUS EXPENSES

16 (12)Postage: For an additional amount for postage for
 17 strictly official mail matter, including the rental of postage-
 18 meter equipment, fiscal year 1943, \$4,000.

19 (13)Judicial expenses: For an additional amount for judi-
 20 cial expenses, fiscal year 1943, including the objects specified
 21 under this head in the District of Columbia Appropriation
 22 Act, 1943, \$1,675.

23 (14)General advertising: For an additional amount for
 24 general advertising, authorized and required by law, and for

1 *tax and school notices and notices of changes in regulations,*
 2 *fiscal year 1941, \$108.40.*

3 **(15)***Printing and binding: For an additional amount for*
 4 *printing and binding, fiscal year 1943, \$8,200.*

5 **(16)**REFUND OF ERRONEOUS COLLECTIONS

6 *Refund of erroneous collections: For an additional*
 7 *amount for refund of erroneous collections, fiscal year 1943,*
 8 *including the objects specified under this head in the District*
 9 *of Columbia Appropriation Act, 1943, \$35,000.*

10 **(17)**PAYMENT TO JOSEPH SHARFSIN .

11 *For payment to Joseph Sharfsin, of the Philadelphia*
 12 *(Pennsylvania) bar, in accordance with the provisions of the*
 13 *Act of June 23, 1942 (Private Law 469), \$3,472.39.*

14 **(18)**HEALTH DEPARTMENT

15 *Tuberculosis sanatoria, expenses: For an additional*
 16 *amount for provisions, and so forth, fiscal year 1943, includ-*
 17 *ing the objects specified under this head in the District of*
 18 *Columbia Appropriation Act, 1943, \$28,500.*

19 **(19)**COURTS

20 THE MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

21 *Salaries: For an additional amount for personal*
 22 *services, including pay of retired judges, fiscal year 1943,*
 23 *\$5,464.14.*

(20)PUBLIC WELFARE

(21)GENERAL ADMINISTRATION, WORKHOUSE AND
REFORMATORY, DISTRICT OF COLUMBIA

Support of convicts: For an additional amount for support, maintenance, and transportation of convicts transferred from District of Columbia, fiscal year 1941, including the objects specified under this head in the District of Columbia Appropriation Act, 1941, \$6,036.58.

(22)NATIONAL TRAINING SCHOOL FOR BOYS

National Training School for Boys: For an additional amount for care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract made by the Board of Public Welfare with the Attorney General at a rate of not to exceed \$2 per day for each boy so committed, fiscal year 1942, \$4,562.

(23)NONRESIDENT INSANE

Nonresident insane: For an additional amount for deportation of nonresident insane persons, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$4,500.

(24)MILITIA

For an additional amount for personal services and other expenses, fiscal year 1941, including the objects specified

1 *under this head in the District of Columbia Appropriation*
2 *Act, 1941, \$453.12.*

3 **(25)SETTLEMENT OF CLAIMS AND SUITS**

4 *For the payment of claims in excess of \$250, approved*
5 *by the Commissioners in accordance with the Act of Febru-*
6 *ary 11, 1929, as amended by the Act approved June 5, 1930*
7 *(45 Stat. 1160; 46 Stat. 500), \$2,152.54.*

8 **(26)JUDGMENTS**

9 *For the payment of final judgments, including costs,*
10 *rendered against the District of Columbia, as set forth in*
11 *Senate Document Numbered 44, together with such further*
12 *sum as may be necessary to pay the interest at not exceeding*
13 *4 per centum per annum on such judgments, as provided by*
14 *law, from the date the same became due until the date of*
15 *payment, \$11,418.75.*

16 **(27)AUDITED CLAIMS**

17 *For the payment of the following claims, certified to be*
18 *due by the accounting officers of the District of Columbia,*
19 *under appropriations, the balances of which have been ex-*
20 *hausted or carried to the surplus fund under the provisions*
21 *of section 5 of the Act of June 20, 1874 (31 U. S. C. 713),*
22 *being for the service of the fiscal year 1940 and prior fiscal*
23 *years:*

24 *Public schools, salaries, District of Columbia, 1940, com-*
25 *munity centers, \$6.08;*

1 *General advertising, District of Columbia, 1940, \$11.24;*

2 *Support of convicts, District of Columbia, 1940,*
3 *\$108.80;*

4 *Metropolitan Police expenses, District of Columbia, 1939,*
5 *motor vehicles, \$147.92;*

6 *Support of convicts, District of Columbia, 1939,*
7 *\$328.50;*

8 *Support of convicts, District of Columbia, 1938,*
9 *\$149.40;*

10 *Contingent and miscellaneous expenses, 1937, general*
11 *advertising, \$286;*

12 *In all, audited claims, \$1,037.94.*

13 **(28)** *TEMPORARY INCREASE IN COMPENSATION FOR CER-*
14 *TAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA*

15 *For additional amounts for appropriations for the fiscal*
16 *year 1943 for the payment of increases in compensation*
17 *authorized by the Act of April 1, 1943 (Public Law 22,*
18 *Seventy-eighth Congress), as follows:*

19 *For Poundmaster, salaries, District of Columbia, 1943,*
20 *\$175;*

21 *Commission on Mental Health, District of Columbia,*
22 *1943, \$525;*

23 *Public schools, salaries, District of Columbia, 1943: Ad-*
24 *ministrative and supervisory, \$11,373; attendance officers,*
25 *\$265; teachers and librarians, \$470,700; in all, \$482,338;*

1 *Recreation Board, salaries and expenses, District of*
2 *Columbia, 1943, \$14,305;*

3 *Metropolitan Police, salaries, District of Columbia, 1943:*

4 Pay and allowances, officers and members, \$48,000;

5 *Fire Department, salaries, District of Columbia, 1943:*

6 Pay of officers and members, \$7,000;

7 *Gallinger Municipal Hospital, salaries, District of*
8 *Columbia, 1943, \$36,000;*

9 *Probation system, courts, District of Columbia, 1943,*
10 \$750;

11 *In all, \$589,093.*

12 (29) *HIGHWAY FUND, GASOLINE TAX AND MOTOR*

13 *VEHICLE FEES*

14 (30) DEPARTMENT OF VEHICLES AND TRAFFIC

15 *Expenses: For an additional amount, fiscal year 1941,*
16 *for purchase, installation, and modification of electric traffic*
17 *lights, signals and controls, and so forth, including the objects*
18 *specified under this head in the District of Columbia Appro-*
19 *priation Act, 1941, \$468.19.*

20 (31) REFUND OF PAVING ASSESSMENTS

21 *Refund of paving assessments: For the refund in part*
22 *of paving assessments paid by abutting property owners in*
23 *connection with the restoration of abandoned street railway*
24 *track areas, where portions of such assessments were subse-*

1 *quently paid by the street railway company, \$7,426.65, pay-*
 2 *able from the special fund created by the Act of April 23,*
 3 *1924, as amended by the Act of August 17, 1937.*

4 (32) WATER SERVICE

5 *Washington Aqueduct: For an additional amount for*
 6 *operation, fiscal year 1943, including the objects specified*
 7 *under this head in the District of Columbia Appropriation*
 8 *Act, 1943, \$174,763, payable wholly from the revenues of*
 9 *the Water Department.*

10 (33) DIVISION OF EXPENSES

11 *The foregoing sums for the District of Columbia, unless*
 12 *otherwise therein specifically provided, shall be paid out of*
 13 *the revenues of the District of Columbia and the Treasury of*
 14 *the United States in the manner prescribed by the District of*
 15 *Columbia Appropriation Acts for the respective fiscal years*
 16 *for which such sums are provided.*

17 DEPARTMENT OF AGRICULTURE

18 BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

19 SALARIES AND EXPENSES

20 *Gypsy and brown-tail moth control: For an additional*
 21 *amount for gypsy and brown-tail moth control, fiscal year*
 22 *1943, including the objects specified for the appropriation*
 23 *for this purpose in the Department of Agriculture Appropria-*
 24 *tion Act, 1943, \$137,400.*

1 DEPARTMENT OF THE INTERIOR

2 (34)OFFICE OF THE SECRETARY

3 (35)BITUMINOUS COAL DIVISION

4 *For the Bituminous Coal Division, fiscal year 1943, in*
5 *carrying out the purposes of the Bituminous Coal Act of*
6 *1937, as amended (15 U. S. C. 828-849), as further*
7 *amended by the Act of April 24, 1943 (Public Law 40),*
8 *and as further amended, to be supplemental to and merged*
9 *with the appropriation under this head in the Interior De-*
10 *partment Appropriation Act, 1943, and to be available for*
11 *the same objects of expenditure, \$800,000, to continue avail-*
12 *able during the fiscal year 1944: Provided, That this appro-*
13 *priation shall not be available for obligation unless and until*
14 *there shall have been enacted a further extension of said*
15 *Act.*

16 (36)BUREAU OF INDIAN AFFAIRS

17 *Maintenance, Wapato irrigation and drainage system,*
18 *and so forth, Yakima Reservation, Washington (receipt limi-*
19 *tation): For operation and maintenance of the Wapato irri-*
20 *gation and drainage system and auxiliary units thereof,*
21 *Yakima Indian Reservation, Washington, fiscal year 1943,*
22 *\$20,000, to be added to the \$165,980 appropriated for this*
23 *purpose in the Interior Department Appropriation Act, 1943*
24 *(56 Stat. 520).*

BUREAU OF RECLAMATION

Vale project, Oregon: For an additional amount for operation and maintenance, from the reclamation fund, special fund, fiscal year 1943, \$4,000.

Kendrick project, Wyoming: The limitation of \$100,000 upon the amount that may be expended from power revenues for the operation and maintenance of the power system, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$110,000.

Boulder Canyon project: The limitation of \$750,000 upon the amount which may be expended from power and other revenues for operation, maintenance, and replacements, including other specific purposes, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$950,000.

(37) GEOLOGICAL SURVEY

To enable the Geological Survey to meet obligations incurred by it arising from cooperative work pending reimbursement from cooperating agencies in accordance with the provisions of the Acts of February 27, 1925 (43 U. S. C. 39, 40); May 10, 1926, as amended (43 U. S. C. 48); June 17, 1935 (43 U. S. C. 49); March 4, 1915, as amended (31 U. S. C. 686); and July 2, 1943 (56 Stat. 537-539), fiscal year 1943, \$400,000, which amount shall be

1 placed to the credit of the 1943 appropriation account of the
 2 Geological Survey: Provided, That there shall be returned to
 3 the Treasury not later than six months after the close of the
 4 fiscal year 1943 out of reimbursements received from cooperat-
 5 ing agencies an amount equal to the sum herein appropriated.

6 (38) GOVERNMENT IN THE TERRITORIES

7 (39) Salaries and expenses, Government of the Virgin Islands:
 8 For an additional amount for salaries and expenses, fiscal
 9 year 1943, including the objects specified for the appropriation
 10 for this purpose in the Interior Department Appropriation
 11 Act, 1943 (56 Stat. 560), \$7,000.

12 (40) Salaries and expenses, agricultural experiment station
 13 and vocational school, Virgin Islands: For an additional
 14 amount for salaries and expenses, fiscal year 1943, including
 15 the objects specified for the appropriation for this purpose in
 16 the Interior Department Appropriation Act, 1943 (56 Stat.
 17 560), \$2,100.

18 (41) Defraying deficits in treasuries of municipal govern-
 19 ments, Virgin Islands: For an additional amount, fiscal year
 20 1943, for defraying the deficit in the treasury of the munici-
 21 pal government of Saint Croix because of the excess of current
 22 expenses over current revenues for the fiscal year 1943 (56
 23 Stat. 560), \$45,000.

1 (42) *PUERTO RICAN HURRICANE RELIEF*

2 *The limitation of \$19,950 upon the amount that may be*
 3 *expended for administrative expenses, Puerto Rican Hurri-*
 4 *cane Relief, contained in the Interior Department Appropria-*
 5 *tion Act, 1943, is hereby increased to \$22,350.*

6 DEPARTMENT OF JUSTICE

7 OFFICE OF THE ATTORNEY GENERAL

8 Fees and expenses of conciliation commissioners, United
 9 States courts: For an additional amount for fees and expenses
 10 of conciliation commissioners, United States courts, fiscal
 11 years 1937-40, including the objects specified under this
 12 head in the Second Deficiency Appropriation Act, fiscal year
 13 1937 (50 Stat. 224), \$335.98.

14 Probation system, United States courts: For an addi-
 15 tional amount for probation system, United States courts,
 16 fiscal year 1939 (52 Stat. 264), 88 cents.

17 Traveling expenses, Department of Justice: For an addi-
 18 tional amount for traveling expenses, fiscal year 1943, in-
 19 cluding the objects specified under this head in the Depart-
 20 ment of Justice Appropriation Act, 1943, \$70,000.

21 MISCELLANEOUS

22 Salaries and expenses, Lands Division: For an additional
 23 amount for salaries and expenses, Lands Division, fiscal year
 24 1943, including the objects specified under this head in the
 25 Department of Justice Appropriation Act, 1943, \$280,000.

1 Salaries and expenses of district attorneys, and so forth:
 2 For an additional amount for salaries and expenses of district
 3 attorneys, and so forth, fiscal year 1943, including the ob-
 4 jects specified under this head in the Department of Justice
 5 Appropriation Act, 1943, \$205,000.

6 Salaries and expenses of marshals, and so forth: For an
 7 additional amount for salaries and expenses of marshals, and
 8 so forth, fiscal year 1943, including the objects specified
 9 under this head in the Department of Justice Appropriation
 10 Act, 1943, \$233,000.

11 Pay and expenses of bailiffs: For an additional amount
 12 for pay and expenses of bailiffs, fiscal year 1943, including
 13 the objects specified under this head in the Department of
 14 Justice Appropriation Act, 1943, \$10,000.

15 PENAL AND CORRECTIONAL INSTITUTIONS

16 Support of United States prisoners: For an additional
 17 amount for support of United States prisoners, fiscal year
 18 1943, including the objects specified under this head in the
 19 Department of Justice Appropriation Act, 1943, \$150,000.

20 (43) *POST OFFICE DEPARTMENT*

21 (44) *(Out of the Postal Revenues)*

22 *OFFICE OF THE CHIEF INSPECTOR*

23 *Clerks, division headquarters: For an additional amount*
 24 *for compensation of three hundred and thirty-two clerks at*

1 division headquarters and other posts of duty of post-office
2 inspectors, fiscal year 1943, \$8,800.

3 (45) OFFICE OF THE SECOND ASSISTANT POSTMASTER

4 *GENERAL*

5 **(46)** *Star Route Service: For an additional amount for in-*
6 *land transportation by star routes (excepting service in*
7 *Alaska), including temporary service to newly established*
8 *post offices, fiscal year 1942, \$14,000.*

9 (47) *Railway Mail Service: For an additional amount for*
10 *Railway Mail Service, salaries, fiscal year 1943, \$5,375,000.*

11 (48) *Railway postal clerks, travel allowance: For an addi-*
12 *tional amount for travel allowance to railway postal clerks*
13 *and substitute railway postal clerks, fiscal year 1943,*
14 *\$375,000.*

15 **(49)** *Railway Mail Service, traveling expenses: For an addi-*
16 *tional amount for Railway Mail Service, traveling expenses,*
17 *fiscal year 1943, \$3,000.*

18 **(50)** *Domestic air-mail service: For an additional amount for*
19 *the inland transportation of mail by aircraft, including the*
20 *objects specified under this head in the Post Office Department*
21 *Appropriation Act for the fiscal years which follow, respec-*
22 *tively:* .

23 For 1941, \$192,541;

24 *For 1942, \$327,891.*

(51) OFFICE OF THE THIRD ASSISTANT POSTMASTER

GENERAL

Indemnities, domestic mail: For an additional amount for payment of indemnities, including the objects specified under this head in the Post Office Department Appropriation Acts for the fiscal years which follow, respectively:

For 1942, \$110,000;

For 1943, \$660,000.

DEPARTMENT OF STATE

Printing and binding: For an additional amount for the appropriation, "Printing and binding, Department of State", fiscal year 1943, \$20,000.

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

Appropriations of the Treasury Department for the fiscal years 1943 and 1944 shall be available, in accordance with the Standardized Government Travel Regulations, the Subsistence Expense Act of 1926, as amended (5 U. S. C., ch. 16), and the Act of February 14, 1931, as amended (5 U. S. C. 73a), for the payment of travel expenses to and from their homes or regular places of business and per diem in lieu of subsistence at place of employment of persons employed intermittently away from their homes or regular places of business by the Treasury Department as consultants

1 and receiving compensation on a per diem when actually
2 employed basis.

3 Administrative expenses, Adjusted Compensation Pay-
4 ment Act, 1936: For transfer to the Post Office Department
5 to cover registry fees and postage on mailings of bonds issued
6 under the provisions of the Adjusted Compensation Payment
7 Act of 1936, fiscal year 1943, \$3,500.

8 BUREAU OF ACCOUNTS

9 Refund of moneys erroneously received and covered: For
10 an additional amount for refund of moneys erroneously re-
11 ceived and covered, fiscal year 1943, \$50,000.

12 (52)WAR DEPARTMENT

13 CIVIL FUNCTIONS

14 UNITED STATES SOLDIERS' HOME

15 *For maintenance and operation of the United States Sol-*
16 *diers' Home, to be paid from the Soldiers' Home Permanent*
17 *Fund, \$44,800: Provided, That no part of the Soldiers'*
18 *Home Permanent Fund shall be used for the payment of*
19 *salaries including overtime in excess of amounts fixed by the*
20 *Board of Commissioners for the Soldiers' Home.*

21 TITLE II—WAR OVERTIME PAY AND OTHER
22 COMPENSATION INCREASES

23 SEC. 201. For additional amounts for appropriations for
24 the fiscal year 1943, for the payment of increases in compen-
25 sation authorized by the Acts of August 1, 1942 (Public Law

1 694, Seventy-seventh Congress) , December 22, 1942 (Public
 2 Law 821, Seventy-seventh Congress) , April 9, 1943 (Public
 3 Law 25, Seventy-eighth Congress) , and May 7, 1943 (Pub-
 4 lic Law 49, Seventy-eighth Congress) , as follows:

5 LEGISLATIVE BRANCH

6 For reporting debates and proceedings, Senate, 1943,
 7 \$846;

8 Salaries, Capitol Police, Senate, 1943, \$6,373;

9 Salaries and expenses, Joint Committee on Printing,
 10 Senate, 1943, \$458;

11 Salaries, officers and employees, House of Representa-
 12 tives, 1943, \$60,402;

13 Clerk hire, Members and Delegates, House of Repre-
 14 sentatives, 1943, \$177,225;

15 Salaries, Capitol Police, House of Representatives, 1943,
 16 \$830;

17 Salaries and expenses, Joint Committee on Printing,
 18 House of Representatives, 1943, \$63;

19 Capitol Building and repairs, 1943, \$17,100;

20 Maintenance, legislative garage, 1943, \$1,157;

21 Maintenance, Senate Office Building, 1943, \$4,500;

22 Maintenance, House Office Buildings, 1943, \$23,556;

23 Capitol power plant, 1943, \$22,237;

24 Library buildings and grounds, 1943, \$9,978;

25 Salaries, Botanic Garden, 1943, \$2,810;

1 Salaries, Library proper, Library of Congress, 1943,
2 \$36,964;

3 Salaries, Copyright Office, Library of Congress, 1943,
4 \$2,750;

5 Legislative Reference Service, Library of Congress,
6 1943, \$9,070;

7 Distribution of card indexes, Library of Congress, 1943,
8 \$7,217;

9 Index to State legislation, Library of Congress, 1943,
10 \$1,596;

11 Union catalogs, Library of Congress, 1943, \$476;

12 Salaries, Library buildings, Library of Congress, 1943,
13 \$40,704;

14 Salaries, Office of the Superintendent of Documents,
15 1943, \$89,430;

16 Total, Legislative Establishment, \$515,742.

17 THE JUDICIARY .

18 For care of Supreme Court Building and grounds,
19 1943, \$2,566;

20 Salaries, United States Court of Customs and Patent
21 Appeals, 1943, \$1,979;

22 Salaries and expenses of clerks, United States Courts,
23 1943, \$141,338;

24 Miscellaneous salaries, United States Courts, 1943,
25 \$10,000;

1 Probation system, United States Courts, 1943, \$16,658;

2 Salaries, Administrative Office, United States Courts,

3 1943, \$2,748;

4 Total, The Judiciary, \$175,289.

5 EXECUTIVE OFFICE OF THE PRESIDENT

6 For salaries and expenses, National Resources Planning

7 Board, 1943, \$23,900;

8 National defense activities, National Resources Planning

9 Board, 1943, \$8,000;

10 Salaries and expenses, Board of Economic Warfare,

11 1943, \$889,000.

12 Office for Emergency Management:

13 For Selective Service System, War Manpower Com-

14 mission, 1943, \$2,603,000;

15 Grants to States, employment services, War Man-

16 power Commission, 1943, \$798,500;

17 Training within industry, War Manpower Commis-

18 sion, 1943, \$25,000;

19 Salaries and expenses, War Production Board,

20 1943, \$5,403,000;

21 Salaries and expenses, Office of Price Administration,

22 1943, \$10,450,000;

23 Total, Executive Office of the President, \$20,200,400.

INDEPENDENT ESTABLISHMENTS

- 1 INDEPENDENT ESTABLISHMENTS
- 2 For salaries and expenses, Civil Service Commission,
- 3 1943, \$570,000;
- 4 Salaries and expenses, Civil Service Commission (na-
- 5 tional defense), 1943, \$520,000;
- 6 Salaries and expenses, Federal Communications Com-
- 7 mission, 1943, \$85,000;
- 8 Salaries and expenses, Federal Communications Com-
- 9 mission (national defense), 1943, \$215,000;
- 10 Safety of employees, Interstate Commerce Commission,
- 11 1943, \$29,300;
- 12 Signal safety systems, Interstate Commerce Commission,
- 13 1943, \$1,900;
- 14 Locomotive inspection, Interstate Commerce Commis-
- 15 sion, 1943, \$21,600;
- 16 Advisory Committee for Aeronautics, 1943, \$852,000;
- 17 Salaries, National Labor Relations Board, 1943,
- 18 \$19,800;
- 19 Salaries and expenses, National Labor Relations Board
- 20 (national defense), 1943, \$21,000;
- 21 Salaries and expenses, National Mediation Board, 1943,
- 22 \$4,000;
- 23 Salaries and expenses, National Railroad Adjustment
- 24 Board, National Mediation Board, 1943, \$6,700;

1 Preservation of collections, Smithsonian Institution,
2 1943, \$53,040;

3 Salaries and expenses, National Gallery of Art, 1943,
4 \$22,460;

5 United States Tariff Commission, 1943, \$62,500;

6 Construction fund, United States Maritime Commission,
7 act of June 29, 1936, revolving fund (the amount that may
8 be used for administrative expenses for fiscal year 1943 is
9 hereby increased by \$1,875,000) ;

10 Salaries and expenses, Veterans' Administration, 1943.
11 \$6,775,000;

12 Total, independent establishments, \$9,259,300.

13 FEDERAL SECURITY AGENCY

14 For salaries, office of general counsel, Federal Security
15 Agency, 1943, \$21,300;

16 Columbia Institution for the Deaf, Federal Security
17 Agency, 1943, \$12,200;

18 Salaries and expenses, Food and Drug Administration.
19 Federal Security Agency, 1943, \$62,600;

20 Salaries, Freedmen's Hospital, Federal Security Agency.
21 1943, ~~(53)\$22,700~~ \$28,700;

22 Salaries, Howard University, Federal Security Agency,
23 1943, \$57,000;

24 Salaries, Office of Education, 1943, \$15,200;

- 1 Library service and research, Office of Education, 1943.
2 \$780;
- 3 Salaries and expenses, vocational education, Office of
4 Education, 1943, \$11,500;
- 5 Salaries and expenses, vocational rehabilitation, Office of
6 Education, 1943, \$3,320;
- 7 Salaries and expenses, Office of Education (national de-
8 fense), 1943, \$24,000;
- 9 Salaries, Office of Surgeon General, Public Health Serv-
10 ice, 1943, \$50,400;
- 11 Pay of personnel and maintenance of hospitals, Public
12 Health Service, 1943, \$975,000;
- 13 (54) *Foreign quarantine service, Public Health Service,*
14 *1943, \$10,000;*
- 15 Expenses, Division of Mental Hygiene, Public Health
16 Service, 1943, \$71,800;
- 17 Disease and sanitation investigations, Public Health Serv-
18 ice, 1943, \$5,900;
- 19 Salaries and expenses, National Institute of Health, Pub-
20 lic Health Service, 1943, \$79,200;
- 21 Emergency health and sanitation activities, Public Health
22 Service (national defense), 1943, \$289,700;
- 23 Saint Elizabeths Hospital, Federal Security Agency,
24 1943, \$105,500;

1 Salaries, Offices of the Social Security Board, 1943,
2 \$28,900;

3 Salaries, Bureau of Old-Age and Survivors' Insurance,
4 Social Security Board, 1943, \$322,200;

5 Salaries, Bureau of Employment Security, Social Se-
6 curity Board, 1943, \$3,500;

7 Total, Federal Security Agency, ~~(55)\$2,162,700~~
8 \$2,178,700.

9 FEDERAL WORKS AGENCY

10 For general administrative expenses, Public Buildings
11 Administration, 1943, \$45,500;

12 Salaries and expenses, public buildings and grounds in
13 the District of Columbia and adjacent area, Public Buildings
14 Administration, 1943, \$3,000,000;

15 Salaries and expenses, public buildings and grounds out-
16 side the District of Columbia, Public Buildings Administra-
17 tion, 1943, \$767,000;

18 Administrative expenses, Public Works Administration,
19 1943 (increase in limitation on prior year unobligated funds,
20 \$3,500).

21 Total, Federal Works Agency, \$3,812,500.

22 DEPARTMENT OF AGRICULTURE

23 For salaries, office of Secretary of Agriculture, 1943,
24 \$90,000;

- 1 Salaries and expenses, Library, Department of Agricul-
2 ture, 1943, \$39,400;
- 3 Salaries and expenses, Bureau of Agricultural Economics,
4 1943, \$205,000;
- 5 Salaries and expenses, Office of Foreign Agricultural Re-
6 lations, 1943, \$22,400;
- 7 Administrative expenses, Agricultural War Relations,
8 Food Production Administration, 1943, \$6,000;
- 9 Administrative expenses, Agricultural War Relations,
10 Food Distribution Administration, 1943, \$1,000;
- 11 Salaries and expenses, Office of Administrator, Agri-
12 cultural Research Administration, 1943, \$700;
- 13 Salaries and expenses, Experiment Stations, Agricultural
14 Research Administration, 1943, \$10,500;
- 15 Salaries and expenses, Animal Industry, Agricultural
16 Research Administration, 1943, \$10,000;
- 17 Salaries and expenses, Plant Industry, Soils, and Agri-
18 cultural Engineering, 1943, \$47,000;
- 19 Salaries and expenses, Agricultural and Industrial Chem-
20 istry, Agricultural Research Administration, 1943, \$1,400;
- 21 Salaries and expenses, Entomology and Plant Quarant-
22 ine, Agricultural Research Administration, 1943, \$234,000;
- 23 Salaries and expenses, Human Nutrition and Home
24 Economics, Agricultural Research Administration, 1943,
25 \$9,200;

1 Beltsville Research Center, Agricultural Research Ad-
2 ministration, 1943, \$7,000;

3 White pine blister rust control, Department of Agricul-
4 ture, 1943, \$52,000;

5 Salaries and expenses, Forest Service, 1943, \$997,000;

6 Forest fire cooperation, 1943, \$2,000;

7 Administrative expenses, Commodity Credit Corporation,
8 Department of Agriculture, 1943 (the amount that may be
9 used for administrative expenses is hereby increased by
10 \$230,900) ;

11 Salaries and expenses, Soil Conservation Service, 1943,
12 \$1,535,000;

13 Land utilization and retirement of submarginal land,
14 Department of Agriculture, 1943, \$80,000;

15 Salaries and expenses, Marketing Service, Food Distri-
16 bution Administration, 1943, \$1,239,000;

17 Total, Department of Agriculture, \$4,588,600.

18 DEPARTMENT OF COMMERCE

19 For salaries, Office of the Secretary, 1943, \$19,800;

20 Expenses of the Sixteenth Census, 1943, \$100,000;

21 Salaries and expenses, Bureau of the Census, 1943,
22 \$217,000;

23 General administration, Office of Administrator of Civil
24 Aeronautics, 1943, \$29,000;

- 1 Maintenance of air-navigation facilities, Office of Admin-
2 istrator of Civil Aeronautics, 1943, \$653,000;
- 3 Maintenance and operation, Washington National Air-
4 port, Office of Administrator of Civil Aeronautics, 1943,
5 \$28,000;
- 6 Magnetic and seismological work, Coast and Geodetic
7 Survey, 1943, \$6,200;
- 8 Geodetic control surveys, Coast and Geodetic Survey,
9 1943, \$30,100;
- 10 Salaries, Coast and Geodetic Survey, 1943, \$83,800;
- 11 Aeronautical charts, Coast and Geodetic Survey, 1943,
12 \$24,700;
- 13 Operation and administration, National Bureau of Stand-
14 ards, 1943, \$47,400;
- 15 Testing, inspection, and information service, National
16 Bureau of Standards, 1943, \$77,500;
- 17 Research and development, National Bureau of Stand-
18 ards, 1943, \$52,800;
- 19 Standards for commerce, National Bureau of Standards,
20 1943, \$16,400;
- 21 Salaries and expenses, Weather Bureau, Department of
22 Commerce, 1943, \$425,000;
- 23 Total, Department of Commerce, \$1,810,700.

DEPARTMENT OF THE INTERIOR

For salaries, Office of Secretary of the Interior, 1943,
\$83,000;

Salaries, Office of Solicitor, Department of the Interior,
1943, \$15,200;

Salaries and expenses, Grazing Service, Department of
the Interior, 1943, \$64,300;

Salaries, General Land Office, 1943, \$4,500;

Salaries and commissions of registers of land offices,
1943, \$1,940;

Revested Oregon and California Railroad and recon-
veyed Coos Bay Wagon Road grant lands, Oregon (reim-
bursable), 1943, \$11,630;

Salaries, Geological Survey, 1943, \$8,300;

Salaries, Bureau of Indian Affairs, 1943, \$2,500;

Maintaining law and order on Indian reservations, 1943,
\$7,000;

Expenses of organizing Indian corporations, and so forth,
1943, \$4,300;

Expenses, sale of timber (reimbursable), 1943, \$5,000;

Maintenance, San Carlos irrigation project, Gila River
Reservation, Arizona (receipt limitation), 1943 (from
operation and maintenance collections), \$18,000;

Improvement and maintenance, irrigation system, Colo-

- 1 rado River Reservation, Arizona (reimbursable), 1943,
- 2 \$1,000;
- 3 Improvement and maintenance, irrigation system, Colo-
- 4 rado River Reservation, Arizona (receipt limitations),
- 5 1943 (from operation and maintenance collections), \$1,000;
- 6 Maintenance, irrigation systems, Fort Peck Reservation,
- 7 Montana (reimbursable), 1943, \$1,000;
- 8 Improvement and maintenance, irrigation systems,
- 9 Blackfeet Reservation, Montana (reimbursable), 1943,
- 10 \$250;
- 11 Improvement and maintenance, irrigation systems, Crow
- 12 Reservation, Montana (reimbursable), 1943, \$500;
- 13 Improvement and maintenance, irrigation systems, Crow
- 14 Reservation, Montana (receipt limitation), 1943 (from
- 15 operation and maintenance collections), \$2,500;
- 16 Improvement and maintenance, irrigation systems, Kla-
- 17 math Reservation, Oregon (reimbursable), 1943, \$350;
- 18 Maintenance, irrigation systems, Wind River Reserva-
- 19 tion and ceded lands, Wyoming (reimbursable), 1943,
- 20 \$2,000;
- 21 Indian boarding schools, 1943, \$85,000;
- 22 Administration of Indian property, 1943, \$50,000;
- 23 Miscellaneous Indian tribal funds, 1943:
- 24 Arizona: Pima (Camp McDowell), \$100, and
- 25 Truxton Cañon, \$690; in all, \$790;

1 California: Mission, \$990;

2 Oregon: Klamath, \$9,900;

3 Utah: Uintah and Ouray, \$220;

4 Washington: Colville, \$600, and Taholah, \$140;

5 in all, \$740;

6 Support of Osage Agency and pay of tribal officers,

7 Oklahoma, \$7,400;

8 Protection of project works, Bureau of Reclamation

9 (national defense), 1943, \$50,000;

10 Advances to Colorado dam fund, Boulder Canyon proj-

11 ect, 1943 (amount that may be used from power and other

12 revenues increased by \$29,500) ;

13 Reclamation fund, special fund, Kendrick project, Wyo-

14 ming, 1943 (amount that may be used from power revenues

15 increased by \$9,500) ;

16 Coal-mine inspections and investigations, Bureau of

17 Mines, 1943, \$39,000;

18 Investigation of domestic sources of mineral supply, Bu-

19 reau of Mines (national defense), 1943, \$30,000;

20 Manganese beneficiation pilot plants and research, Bu-

21 reau of Mines (national defense), 1943, \$60,000;

22 Expenses, mining experiment stations, Bureau of Mines,

23 1943, \$20,000;

24 Care, and so forth, buildings and grounds, Bureau of

25 Mines, Pittsburgh, Pennsylvania, 1943, \$9,900;

1 Magnesium pilot plants and research (national defense),
2 1943, \$60,000;

3 Salaries and expenses, Government of the Virgin Islands,
4 1943, \$12,250;

5 Salaries and expenses, agricultural experiment station
6 and vocational school, Virgin Islands, 1943, \$400;

7 Puerto Rican hurricane relief, administrative expenses,
8 Department of the Interior, 1943 (the amount of available
9 unobligated funds that may be used is hereby increased by
10 \$1,790) ;

11 Total, Department of the Interior, \$650,820.

12 DEPARTMENT OF JUSTICE

13 For salaries, Office of Assistant Solicitor General,
14 Department of Justice, 1943, \$1,160;

15 Salaries, Office of Assistant to the Attorney General,
16 1943, \$4,800;

17 Salaries, Administrative Division, Department of Justice,
18 1943, \$92,800;

19 Salaries, Criminal Division, Department of Justice,
20 1943, \$34,100;

21 Salaries, Office of Pardon Attorney, Department of
22 Justice, 1943, \$2,140;

23 Salaries and expenses, Lands Division, Department of
24 Justice, 1943, \$226,000;

1 Miscellaneous salaries and expenses, field, Department
2 of Justice, 1943, \$10,600;

3 Salaries and expenses of district attorneys, etc.,
4 Department of Justice, 1943, \$264,700;

5 Salaries and expenses of marshals, etc., Department of
6 Justice, 1943, \$231,000;

7 Pay and expenses of bailiffs, Department of Justice,
8 1943, \$20,500;

9 Salaries and expenses, Federal Bureau of Investigation,
10 1943, \$497,000;

11 Salaries and expenses, Federal Bureau of Investigation
12 (national defense), 1943, \$2,125,000;

13 Salaries and expenses, Immigration and Naturalization
14 Service, 1943, \$1,788,000;

15 Support of United States prisoners, 1943, \$16,800;

16 Total, Department of Justice, \$5,314,600.

17 DEPARTMENT OF LABOR

18 For salaries, Office of the Secretary of Labor, 1943,
19 \$32,400;

20 Salaries and expenses, Office of the Solicitor, Depart-
21 ment of Labor, 1943, \$13,900;

22 Salaries and expenses, Division of Labor Standards,
23 Department of Labor, 1943, \$7,500;

24 Salaries and expenses, safety and health program,

- 1 Department of Labor (national defense), 1943, \$11,000;
- 2 Salaries and expenses, Commissioners of Conciliation,
- 3 Department of Labor, 1943, \$26,300;
- 4 Salaries and expenses, Bureau of Labor Statistics, 1943,
- 5 \$107,400;
- 6 Salaries and expenses, Bureau of Labor Statistics
- 7 (national defense), 1943, \$100,000;
- 8 Salaries and expenses, Children's Bureau, 1943,
- 9 \$14,900;
- 10 Salaries and expenses, child labor provisions, Fair Labor
- 11 Standards Act, Children's Bureau, 1943, \$10,500;
- 12 Salaries and expenses, maternal and child welfare, Social
- 13 Security Act, Children's Bureau, 1943, \$13,600;
- 14 Salaries and expenses, Women's Bureau, 1943, \$15,900;
- 15 Total, Department of Labor, \$353,400.

16 POST OFFICE DEPARTMENT

17 (Out of the postal revenues)

- 18 For Salaries, Office of the Postmaster General, 1943,
- 19 \$22,800;
- 20 Salaries, Office of Budget and Administrative Planning,
- 21 1943, \$330;
- 22 Salaries, Office of the First Assistant Postmaster Gen-
- 23 eral, 1943, \$56,400;
- 24 Salaries, Office of the Second Assistant Postmaster
- 25 General, 1943, \$44,300;

1 Salaries, Office of the Third Assistant Postmaster
2 General, 1943, \$56,870;

3 Salaries, Office of the Fourth Assistant Postmaster Gen-
4 eral, 1943, \$9,200;

5 Salaries, Office of the Solicitor for the Post Office De-
6 partment, 1943, \$3,000;

7 Salaries, Office of the Chief Inspector, 1943, \$20,000;

8 Salaries, Office of the Purchasing Agent, 1943, \$2,200;

9 Salaries, Bureau of Accounts, 1943, \$14,200;

10 Post Office inspectors, salaries, 1943, \$158,000;

11 Post Office inspectors, clerks, division headquarters,
12 1943, \$8,300;

13 Compensation to postmasters, 1943, \$5,088,200;

14 Compensation to assistant postmasters, 1943, \$971,900;

15 Clerks, first- and second-class post offices, 1943,
16 \$24,329,000;

17 Separating mails, 1943, \$28,600;

18 Unusual conditions at post offices, 1943, \$82,000;

19 Clerks, third-class post offices, 1943, \$564,000;

20 Miscellaneous items, first- and second-class post offices,
21 1943, \$3,900;

22 Village delivery service, 1943, \$93,100;

23 City delivery carriers, 1943, \$14,707,000;

24 Special-delivery fees, 1943, \$866,000;

1 Railroad transportation and mail messenger service,
2 1943, \$2,100;

3 Railway Mail Service, salaries, 1943, \$4,968,000;

4 Rural Delivery Service, 1943, \$4,544,900;

5 Operating force for public buildings, Post Office Depart-
6 ment, 1943, \$3,503,000;

7 Vehicle service, 1943, \$981,000;

8 Total, Post Office Department, \$61,128,300.

9 DEPARTMENT OF STATE

10 For salaries, Department of State, 1943, \$299,400;

11 Passport agencies, Department of State, 1943, \$4,000;

12 Salaries, Foreign Service officers, 1943, \$177,000;

13 Salaries, Foreign Service clerks, 1943, \$316,400;

14 Miscellaneous salaries and allowances, Foreign Service.
15 1943, \$38,200;

16 Foreign Service, auxiliary (emergency), 1943.
17 \$127,600;

18 International Boundary Commission, United States and
19 Mexico, 1943, \$21,800;

20 Rio Grande canalization, Department of State, 1943,
21 \$16,200;

22 Salaries and expenses, International Joint Commission,
23 United States and Great Britain, 1943, \$1,000;

24 Total, Department of State, \$1,001,600.

TREASURY DEPARTMENT

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For Salaries and expenses, foreign-owned property control, 1943, \$146,200;

Salaries, Division of Research and Statistics, Treasury Department, 1943, \$13,600;

Salaries, Office of General Counsel, Treasury Department, 1943, \$6,700;

Salaries, Division of Personnel, Treasury Department, 1943, \$18,300;

Salaries, office of chief clerk, Treasury Department, 1943, \$22,700;

Salaries, operating force, Treasury Department buildings, 1943, \$73,400;

Salaries and expenses, guard force, Treasury Department buildings, 1943, \$71,500;

Salaries and expenses, Bureau of Accounts, Treasury Department, 1943, \$52,300;

Salaries and expenses, Division of Disbursement, 1943, \$232,600;

Salaries and expenses, Bureau of the Public Debt, 1943, \$311,400;

Expenses of loans, Act September 24, 1917, as amended and extended, 1943 (the amount that may be used is hereby increased by \$913,800) ;

- 1 Salaries, Office of Treasurer of United States, 1943,
- 2 \$357,300;
- 3 Salaries, Office of Treasurer of United States (Federal
- 4 Reserve notes, reimbursable) , 1943, \$5,200;
- 5 Collecting the revenue from customs, 1943, \$1,336,200;
- 6 Salaries, Office of Comptroller of the Currency, 1943,
- 7 \$12,600;
- 8 Collecting the internal revenue, 1943, \$7,398,000;
- 9 Salaries and expenses, Bureau of Narcotics, 1943,
- 10 \$26,500;
- 11 Suppressing counterfeiting and other crimes, 1943,
- 12 \$107,000;
- 13 Salaries and expenses, Procurement Division, 1943,
- 14 \$11,100;
- 15 Total, Treasury Department, \$10,202,600.
- 16 WAR DEPARTMENT
- 17 CIVIL FUNCTIONS
- 18 For cemeterial expenses, War Department, 1943,
- 19 \$56,800:
- 20 (56)Soldiers' Home, permanent fund (trust fund), 1943,
- 21 \$44,800;
- 22 Sanitation, Canal Zone, Panama Canal, 1943,
- 23 \$146,800;
- 24 Civil government, Panama Canal and Canal Zone, 1943,
- 25 \$111,000;

1 Total, War Department, Civil Functions, (57) ~~\$359,400~~
 2 \$314,600.

3 DISTRICT OF COLUMBIA

4 For executive office, salaries, District of Columbia, 1943,
 5 \$1,540;

6 Purchasing Division, salaries, District of Columbia, 1943,
 7 \$620;

8 District buildings, salaries, District of Columbia, 1943,
 9 \$27,400;

10 Board of Tax Appeals, salaries, District of Columbia,
 11 1943, \$440;

12 Collector, salaries, District of Columbia, 1943, \$3,680;

13 Auditor, salaries, District of Columbia, 1943, \$4,200;

14 Corporation Counsel, salaries, District of Columbia,
 15 1943, \$100;

16 Alcoholic Beverage Control Board, District of Columbia,
 17 1943, \$130;

18 Coroner, salaries, District of Columbia, 1943, \$1,380;

19 Chief clerk, Engineer Department, salaries, District of
 20 Columbia, 1943, \$1,530;

21 Department of Insurance, salaries, District of Columbia,
 22 1943, \$470;

23 Commission on Mental Health, District of Columbia,
 24 1943, \$130;

- 1 Board of Indeterminate Sentence and Parole, District of
- 2 Columbia, 1943, \$110;
- 3 Office of Administrator of Rent Control, salaries and
- 4 expenses, District of Columbia, 1943, \$1,570;
- 5 Register of Wills, salaries, District of Columbia, 1943,
- 6 \$710;
- 7 Recorder of Deeds, salaries, District of Columbia, 1943,
- 8 \$8,500;
- 9 Motor vehicles, District of Columbia, 1943, \$470;
- 10 Free Public Library, salaries, District of Columbia, 1943,
- 11 \$22,600;
- 12 Collection and disposal of refuse, salaries, District of
- 13 Columbia, 1943, \$3,180;
- 14 Electrical Department, salaries, District of Columbia,
- 15 1943, \$7,630;
- 16 Public schools, salaries, District of Columbia, 1943,
- 17 \$107,700;
- 18 Metropolitan Police, salaries, District of Columbia, 1943,
- 19 \$10,200;
- 20 Tuberculosis Sanatoria, salaries, District of Columbia,
- 21 1943, \$28,700;
- 22 Gallinger Municipal Hospital, salaries, District of Co-
- 23 lumbia, 1943, \$30,800;
- 24 Division of Child Welfare, detention of children, Dis-
- 25 trict of Columbia, 1943, \$1,050;

1 Workhouse and reformatory, salaries, District of Colum-
2 bia, 1943, \$27,600;

3 Industrial Home School for Colored Children, salaries,
4 District of Columbia, 1943, \$2,600;

5 Industrial Home School, salaries, District of Columbia,
6 1943, \$3,660;

7 Municipal Lodging House, District of Columbia, 1943,
8 \$470;

9 Public parks, salaries, District of Columbia, 1943,
10 \$6,400;

11 National Zoological Park, District of Columbia, 1943,
12 \$7,690;

13 Total, District of Columbia, exclusive of highway and
14 water funds, \$313,260.

15 For trees and parking, salaries, highway fund, District
16 of Columbia, 1943, to be paid wholly out of the special fund
17 created by the act entitled "An act to provide a tax on motor-
18 vehicle fuels sold within the District of Columbia, and for
19 other purposes," approved April 23, 1924 (43 Stat. 106),
20 and the act entitled "An act to provide additional revenue for
21 the District of Columbia, and for other purposes," approved
22 August 17, 1937, \$740.

23 For general expenses, Washington Aqueduct, District of
24 Columbia, 1943, to be paid wholly out of the revenues of
25 the Water Department of the District of Columbia, \$49,800;

1 Total, District of Columbia, including highway and
2 water funds, \$363,800.

3 The foregoing sums for the District of Columbia, unless
4 otherwise specifically provided, shall be paid out of the rev-
5 enues of the District of Columbia and the Treasury of the
6 United States in the manner prescribed by the District of
7 Columbia Appropriation Act, 1943.

8 Total, section 201, ~~(58)\$121,899,751~~ \$121,870,951.

9 SEC. 202. The restrictions contained in appropriations
10 or affecting appropriations or other funds, available during
11 the fiscal year 1943, limiting the amounts which may be
12 expended for personal services or for other purposes, are
13 hereby waived to the extent necessary to meet the increases
14 in compensation authorized by the act of August 1, 1942
15 (Public Law 694), amending section 13 of the Classifica-
16 tion Act of 1923, the act of December 22, 1942 (Public
17 Law 821), authorizing the payment of overtime compensa-
18 tion to civilian employees in or under the United States
19 Government, the act of April 9, 1943 (Public Law 25),
20 authorizing additional compensation for employees in the
21 Postal Service, and by other legislation enacted during and
22 applicable to the fiscal year 1943 authorizing overtime com-
23 pensation for civilian employees of the Government: *Pro-*
24 *vided*, That the head of any department, establishment, or
25 agency is hereby authorized to allocate from the sum herein

1 appropriated under any appropriation title administered by
2 him to any subappropriation under such title such amount
3 as may be necessary for the purposes of this section.

4 TITLE III—GENERAL PROVISIONS

5 SEC. 301. No part of any appropriation contained in this
6 Act shall be used to pay the salary or wages of any person
7 who advocates, or who is a member of an organization
8 that advocates, the overthrow of the Government of the
9 United States by force or violence: *Provided*, That for the
10 purposes hereof an affidavit shall be considered prima facie
11 evidence that the person making the affidavit does not
12 advocate, and is not a member of an organization that advo-
13 cates, the overthrow of the Government of the United States
14 by force or violence: *Provided further*, That any person
15 who advocates, or who is a member of an organization that
16 advocates, the overthrow of the Government of the United
17 States by force or violence and accepts employment the
18 salary or wages for which are paid from any appropriation
19 in this Act shall be guilty of a felony and, upon conviction,
20 shall be fined not more than \$1,000 or imprisoned for not
21 more than one year, or both: *Provided further*, That the
22 above penalty clause shall be in addition to, and not in
23 substitution for, any other provisions of existing law.

24 SEC. 302. Except as otherwise provided for in this Act,
25 no part of any appropriation contained in or authorized to be

1 expended by this Act shall be used to pay the compensation
2 of any officer or employee of the Government of the United
3 States whose post of duty is in continental United States
4 unless such person (1) is a citizen of the United States, or
5 (2) is a person in the service of the United States on
6 the date of enactment of this Act who, being eligible for
7 citizenship, had filed a declaration of intention to become a
8 citizen of the United States prior to such date, or (3) is
9 a person who owes allegiance to the United States ~~(59)~~: *Pre-*
10 *vided*. That for the purpose of this section, an affidavit signed
11 by any such person shall be considered prima facie evidence
12 that the requirements of this section with respect to his status
13 have been complied with. The provisions of this section shall
14 not apply to citizens of the Commonwealth of the Philippines.

15 SEC. 303. Appropriations contained herein may be used
16 to reimburse the Emergency Fund for the President for
17 advances made therefrom to meet pay-roll obligations for
18 which funds are provided in this Act.

19 ~~(60)SEC. 304. No part of any appropriation, allocation, or~~
20 ~~fund (1) which is made available under or pursuant to this~~
21 ~~Act, or (2) which is now, or which is hereafter made, avail-~~
22 ~~able under or pursuant to any other Act, to any department,~~
23 ~~agency, or instrumentality of the United States, shall be used~~
24 ~~to pay any part of the salary, or other compensation for the~~
25 ~~personal services, of Goodwin B. Watson, William E. Dodd,~~

1 Junior, and Robert Morss Lovett: *Provided*, That this sec-
 2 tion shall not operate to deprive any such person of payment
 3 for leaves of absence or salary, or of any refund or reim-
 4 bursement, which have accrued prior to the date of the
 5 enactment of this Act: *Provided further*, That this section
 6 shall not operate to deprive any such person of payment for
 7 services performed as a member of a jury or as a member
 8 of the armed forces of the United States nor any benefit,
 9 pension, or emolument resulting therefrom.

10 SEC. (61)~~305~~ 304. This Act may be cited as the
 11 "Urgent Deficiency Appropriation Act, 1943".

Passed the House of Representatives May 18, 1943.

Attest:

SOUTH TRIMBLE,

Clerk.

Passed the Senate with amendments May 28 (legisla-
 tive day, May 24), 1943.

Attest:

EDWIN A. HALSEY,

Secretary.

AN ACT

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 1943

Ordered to be printed with the amendments of the
Senate numbered



United States
of America

FILE COPY

Congressional Record

PROCEEDINGS AND DEBATES OF THE 78th CONGRESS, FIRST SESSION

Vol. 89

WASHINGTON, TUESDAY, JUNE 1, 1943

No. 99

House of Representatives

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we rejoice that divine love which blooms fadelessly in Gethsemane, shines in the crown of thorns. In the presence of Calvary, we pray that selfishness and strife may die and that we shall neither guess nor fear, nor be found unworthy to stand and serve our country. Storms bursting on the battle lines, whatever they may engulf, they cannot swallow the might of the human spirit—praises be unto Thy holy name.

Blessed Lord and Master, Thou hast vehemently affirmed the glory of self-sacrifice and rebuked selfishness, teaching us hopefully to identify ourselves with a sinning, suffering world; no heart is pure that is not passionate and no virtue is safe in indifference. In the name of Him by whose stripes we are healed, we beseech Thee that this indulgent generation may know of the grace of our Lord, who, though He was rich for our sakes He became poor and gave us the sublime manifestation of humble service. As a great Nation, we have not been made for the ends of wealth, luxury, and pleasure, but to help Lazarus at the gates of all peoples. O summon us to trial and endurance for the sake of those who are in the mad delirium of famine, persecution, inquisition, murder, and death. Lord God of hosts, lead us on in the power of magnitude, energy, and in the splendour of a mighty Union, and thus we shall fulfill our high destiny. In the name of our Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, May 28, 1943, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 21. Concurrent resolution authorizing that the address delivered before

the joint meeting of the Members of the two Houses of Congress by the Prime Minister of Great Britain, the Right Honorable Winston Churchill, be printed as a House document.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 1670. An act to amend section 2 of the Civilian Pilot Training Act of 1939, as amended.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 2714. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. NYE, and Mr. LODGE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 1784) entitled "An act for the relief of the legal guardian of Leonard L. Gay"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon and appoints Mr. ELLENDER, Mr. TUNNELL, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 1463) entitled "An act for the relief of Florence B. Hutchinson"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. TUNNELL, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 235) entitled "An act for the

relief of Forrest W. Dickey"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon and appoints Mr. ELLENDER, Mr. TUNNELL, and Mr. CAPPER to be the conferees on the part of the Senate.

CALL OF BILLS ON PRIVATE CALENDAR DISPENSED WITH

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar for today be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business of this week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

URGENT DEFICIENCY BILL

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. CANNON]?

There was no objection.

The Speaker appointed the following conferees on the part of the House: Messrs. CANNON of Missouri, WOODRUM of Virginia, LUDLOW, SNYDER, O'NEAL, RA-BAUT, JOHNSON of Oklahoma, TABER, WIGGLESWORTH, LAMBERTSON, and DITTER.

CURRENT TAX PAYMENT ACT OF 1943

Mr. DOUGHTON. Mr. Speaker, I call up the conference report on the bill

(H. R. 2570) to provide for the current payment of the individual income tax, and for other purposes, and I ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the full report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. DOUGHTON]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

(For conference report and statement, see proceedings of May 28, 1943.)

Mr. DOUGHTON. Mr. Speaker, I yield 30 minutes to the gentleman from Minnesota [Mr. KNUTSON] and I yield myself 10 minutes at this time.

CALL OF THE HOUSE

Mr. WOLCOTT. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 86]

Allen, I. I.	Gifford	Morrow
Baldwin, Md.	Granger	Miller, Conn.
Baldwin, N. Y.	Grant, Ala.	Myers
Barry	Guyer	Nichols
Bell	Hagen	O'Brien, N. Y.
Bonner	Hancock	O'Leary
Bradley, Pa.	Harris, Va.	O'Toole
Buckley	Hart	Ramey
Burchill, N. Y.	Hartley	Randolph
Byrne	Heffernan	Reed, Ill.
Cannon, Fla.	Hendricks	Rockwell
Capozzoli	Herter	Russell
Carter	Hoffman	Sadowski
Chapman	Hope	Scott
Cochran	Judd	Sheridan
Compton	Kennedy	Sikes
Costello	Keogh	Somers, N. Y.
Courtney	Kerr	Summers, Tex.
Crawford	Kilburn	Tolan
Culkin	King	Treadway
Delaney	Klein	Van Zandt
Dies	Lambertson	Weichel, Ohio
Dilweg	Landis	Weich
Dirksen	LeCompte	White
Domengeaux	Lemke	Wilson
Ellsworth	Lynch	Winter
Fay	McCowen	Woodrum, Va.
Flannagan	McGregor	Worley
Gale	Magnuson	Zimmerman
Gavagan	Mansfield, Tex.	
Gibson	Marcantonio	

The SPEAKER. On this roll call 340 Members have answered to their names, a quorum.

Without objection, further proceedings, under the roll call, will be dispensed with.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. JONKMAN. Mr. Speaker, I ask unanimous consent that today, at the conclusion of the legislative business and following any special orders heretofore entered, I may address the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

CURRENT TAX PAYMENT ACT OF 1943

Mr. DOUGHTON. Mr. Speaker, after 4 months of arduous and strenuous work by the Committee on Ways and Means, we are today, as far as our committee

and the House of Representatives are concerned, to write the last chapter in a bill providing for the current collection of individual income taxes. This has been one of the most difficult, as well as one of the most controversial and troublesome, bills with which our committee has ever had to deal. The House can realize, I am sure, some of the difficulties which faced the conference committee. You all remember the fierce battle in the House on the first and second bills which we reported, neither of which was adopted, and also the fight over instructing the conferees to agree to the Senate amendment.

For 8 days the conferees labored, either in joint conference or in individual meetings, in an effort to reach a compromise or an agreement which we hoped would be acceptable to both the House and the Senate. It will be recalled that the bill which the House sent to the Senate had the effect of canceling 100 percent of the 1942 tax liability of 90 percent of all taxpayers, or approximately the tax liability of 35,000,000 taxpayers out of a total of 39,000,000. Since 100 percent of the tax liability of these taxpayers would have been canceled, there was no doubling up of their 1942 and 1943 liability in the bill passed by the House and sent to the Senate. In order to prevent doubling up of the remaining 4,000,000 taxpayers, the House bill did not place them on a current basis with respect to that part of their liability above the first-bracket rate. This bill canceled, in the aggregate, approximately 77 percent of the total 1942 liability, or a total of \$7,600,000,000.

The Senate struck out all of the House bill after the enacting clause and passed a bill with the following features:

First. It provided for a withholding system as did the House bill.

Second. It provided for a special treatment for the armed forces, as did the House bill, but changed the House provisions.

Third. The Senate bill, with the exception of the windfall provision, canceled 100 percent of the 1942 tax liability. With the windfall provisions, the Senate bill canceled about 87 percent of the 1942 tax liability.

Thus, the bills of the House and of the Senate were in direct conflict on the all-important matters of the amount of cancellation and the method of cancellation necessary to make a transition to a current system of payments.

One of the most difficult problems with which our conferees were faced was the insistence of the Senate conferees that the total abatement or forgiveness be at least equal to the aggregate cancellation provided in the House bill. The Senate conferees were adamant also at the outset in their position as to an equal percentage of cancellation of the tax "straight across the board" for all taxpayers.

The conferees discussed various plans for compromise for a period of at least 5 days, and remained in seemingly hopeless deadlock. The House conferees would not accept the Senate bill; neither would the Senate conferees accept the

House bill; and as a result we discussed and voted on various other proposals, one bill, the last bill reported by the committee to the House, another a flat 50 percent abatement of the 1942 tax or the lower of the 1942 or 1943 tax, another a 60 percent "straight down the line" abatement, but none of these proposals made by the House conferees, while having a majority vote of the House conferees, could secure a majority vote of both the House and Senate conferees. Finally, a proposal was made which 10 of the conferees were seemingly willing to accept. This provided for a 100-percent abatement of the lower of the 1942 or 1943 tax liability, where the tax was \$50 or less, with a notch provision to take care of persons whose tax liability slightly exceeded \$50. The notch provision allowed a flat \$50 abatement to those taxpayers whose tax was between \$50 and \$66.67. Other taxpayers would have 75 percent of their tax for the lower of the 2 years, 1942 or 1943, abated. Special relief provisions were added to take care of the taxpayers in the armed forces together with antiwindfall provisions to prevent abatement of that part of the tax on war profits.

During the long consideration and discussion of this controversial subject, may I call the attention of the House to the fact, in showing how difficult the problem has been, that at no time was there ever a unanimous vote on any proposal relating to this subject either in the executive sessions of our committee, on the floor of the House on three separate occasions, or in the conference committee. The first and only time when there was a majority of both House and Senate conferees was on the final vote which stood 11 to 3. On this vote, the Senate conferees were unanimous and the House group stood 4 to 3. May I add further that this was the only vote ever taken in the conference, in which the majority members of the House conferees did not vote together. Having been unable to get the Senate conferees to agree on a graduated abatement of the 1942 liability, except to the extent of a \$50 tax, the majority of the House conferees yielded on this point, in order to get a bill, and voted on two different motions for a "straight across the board" abatement. One motion was for a flat abatement of 50 percent, and the other for a 60-percent abatement. Accordingly, the only difference in the last analysis was the extent to which the House conferees would go in total abatement, the principle of straight across the board having been yielded in two votes. But the Senate conferees would not go below a 75-percent abatement, pointing out that the House bill provided for an abatement of 77 percent of the 1942 liability. Our House conferees having already yielded on the differential in the motions for a straight 50 and then a 60-percent abatement, I did not feel justified in being responsible for the failure to reach an agreement because of a mere difference of 15 percent, especially as such a failure would end any hope of getting a current collection system in operation this year. The following examples will show the tax

40 percent on this million, and 90 percent on the excess of three millions, or a total tax of three million one hundred thousand, and still it would have no occasion to avail itself of the 80-percent clause. The fact, however, that it came dangerously near to the line, makes further illustration unnecessary. It is only corporations which had an exceedingly and unusually low base earning power in peacetime, and comparatively great profits when the excess-profits tax began to operate, which can avail themselves of this protective provision. And as I said before, it is the exception rather than the rule to so great an extent that apparently corporations could save only one-tenth of 1 percent of the corporation tax by its provisions.

It seems to me that these figures make it clear that the excess-profits tax will accomplish all that we seek to accomplish by the Renegotiation Act without the vices of the latter, and that, not to mention two and a half billions, there is no such savings under the Renegotiation Act as \$250,000,000, or \$500,000,000. The observation of the gentleman from Texas that perhaps I consider those as small sums is refreshing coming from the other side of the aisle.

The gentleman concludes his remarks by half a dozen instances in which he claims that contractors made many times more earnings in wartime than they did in peacetime. I, of course, cannot dispute these conclusions. However, these examples mean nothing for his argument. He does not speak in terms of dollars. A corporation which operated at a loss or at a very small profit, say a dime for a 5-year average, making 15 times as much, would only make \$1.50, even though it was 15 times as much as in peacetime. Furthermore, it is apparent, inasmuch as the gentleman states that these figures are based upon taxes paid in 1942, that they must apply to the year 1941 before we had the 90-percent excess-profits tax. Lastly, none of these examples contain any evidence that the excess-profits tax would not have been an ample measure to recover for the Government all excess and excessive profits that can in justice be expected from the Renegotiation Act.

I believe I have now met, analyzed, and I hope answered every objection to repeal that has been advanced by the gentleman from Texas.

Before I close it is perhaps appropriate to make the observation that the gentleman did not answer, or even discuss, my ruling reason for repeal. That was that the bureaucrats, as they will almost generally do, instead of carrying out the will of Congress in a wholesome, beneficial, and remedial purpose for the benefit of the country, proceeded at once to usurp powers not in the act which wrecked its purpose and impaired the war effort and the general welfare of the Nation.

In my remarks I quoted from the act: The secretary of each department is authorized and directed—

What?—
whenever in his opinion excessive profits have been realized, or are likely to be realized, from any contract with such depart-

ment * * * to require renegotiation of the contract price.

Had the bureaucrats carried out the will of Congress and confined themselves to excessive profits and contractors realizing excessive profits, many of the present vices would have been eliminated, and in the main it would have proved a wholesome measure. Such excessive profit contracts could have been detected from general sources, but specifically from the income-tax returns. In this way even the evil of the absence of a yardstick for determining what are excessive profits would have fallen on a small fragment of our war production.

But instead of confining themselves to such they immediately proceed to renegotiate all contracts, and not for excessive profits alone, but excess profits as well. Even the 240 companies which the gentleman from Texas said did not require renegotiation I claim were renegotiated. While the term may be of somewhat ambiguous connotation, to hold the contrary would be just as inconsistent as to say that a person had not been in a holdup, because, while the robber had put him in fear at the point of a pistol he had nothing on his person of which he could be robbed.

And when I speak of bureaucrats in this discussion, I do not mean the boards and investigators. I have heard time and again that they are fine persons, and in the main I believe them to be. But these compliments are usually accompanied by the alleged statements of such officials, "We can only do what Washington orders us to do." Nor do I mean the Army and Navy. I have been told from various independent sources that the Army and Navy are not in favor of the Renegotiation Act. Whether this be true or not, from the multiplicity of these reports, I am inclined to believe it. But the question immediately presents itself; if this is true, and they are free to carry out their convictions, why don't they confine themselves to the plain intent of the law and decimate their burden? The answer is obvious. The real bureaucrats are those who constitute the invisible forces constantly at work to wreck the social, political and economic framework of our Nation, and establish a new order. Their destructive influence on our national policy, and especially our domestic economy, is giving cause for grave concern which is becoming more and more general. It is these bureaucrats, responsible for the rubber famine, the food production failure, the O. P. A. fiasco, who are also reaching for and retaining more power over our economy and our war production through the Renegotiation Act.

It is high time that the American people as a whole become realistic in this matter. The red herring which is drawn across the trail by the argument that the act prevents war millionaires is in the face of the 90 percent excess profits tax pure propaganda.

I repeat, we must have the courage to be realistic. It is true that in the early part of our defense and war production, lack of information on the tremendous reduction of costs through mass produc-

tion resulted in some instances in enormous profits. But by this time this lack of knowledge has been overcome and these excessive profits have been recaptured.

We are now in grave danger through the renegotiation act and even the 90-percent excess-profits tax, of destroying the capital necessary for reconversion and tiding over when we change to peacetime production. The former allows corporations no margin, and the latter only a margin of doubtful value for this purpose.

It has long been accepted that it takes an average of \$4,000 of capital to provide machinery and other essentials for each and every job. Lately, with the advance of technology, it is said this has been stepped up to \$3,000 for each job. The bulk of the billions of this capital consists of savings, or stored labor from millions of small investors. Not only are they entitled to wages—dividends—on their stored labor, but also sufficient wages—profits—to replace their worn out machinery and property. Millions of these small investors—many of them absolutely dependent on them for the necessities of life—are deprived of these wages for their stored labor, and to many their capacity to produce—by their stored labor—is destroyed without social security, such as unemployment compensation to tide them over.

Even though our long-haired professors and star gazers may be indifferent to this fact, and show only contempt for industry, frugality, and thrift, we have the further consideration that unless this capital to provide jobs is conserved, unless this seed-money for jobs for reconversion is allowed to these corporations, there will not be the \$6,000 nor any capital in thousands of industries to provide jobs for our 10,000,000 soldiers and millions of war workers when we convert to a peace economy.

And yet this is the very calamity we are running into with reckless abandon. Instead of excessive profits, thousands of corporations are unable to pay dividends because they are feverishly conserving profits to survive the conversion period and keep their workers on the pay roll in the meantime. I have heard of even large industries who, if the war should stop and their war orders be canceled, have not sufficient reserves to pay their employees for 1 week.

It is up to the American people to preserve this country from these crackpots and bureaucrats. It took the Truman committee, in January 1942, to blow the lid off the O. P. M., with its billions of waste without results in our war production. The administration, in sheer desperation, changed its attitude, came back to capital and labor—private enterprise, if you wish—and said, "Here, you take over the job," with the result that in a year we set a world record, notwithstanding the monkey wrenches thrown into the machinery by the long-haired professors and star-gazers.

We must do the same in the rest of our domestic problems. Not go back to the weaknesses and evils in the old system, but to its virility and driving power,

minus those weaknesses which after all reside in the American people themselves. We have a terrific job on our hands, not only in winning this war but in overcoming the post-war problems in our economy as well. This is the problem of the American people. We do well to heed Jefferson's inhibition, "Were we to be directed from Washington when to sow and when to reap, we should soon want bread." We are on the threshold of the fulfillment of that prophecy now. Likewise if we continue to be directed from Washington in our economy by such bureaucrats and measures as direct the Renegotiation Act, we will soon want jobs. We owe to our fighting men on the far-flung battle lines and the seven seas the duty upon their return to provide them with jobs. Repeal of the act and abolishment of the bureaus created under it, will be a long step in that direction.

EXTENSION OF REMARKS

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Philadelphia Record.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. HALE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by Mr. Walter Lippmann entitled "Last Days of White Elephant."

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

VISITING PRESS CORRESPONDENTS FROM SOUTH AMERICA

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JARMAN. Mr. Speaker, the Capital of our Nation is honored today by being host to a group of representatives of the press who are on a good-will tour from our neighbors to the south—Cuba, Paraguay, and Chile. It has just been the privilege of some of us to enjoy a very delightful luncheon with these gentlemen. We found them to be as charming in a group of gentlemen as it has been our pleasure to meet in a long while, and are delighted that they are here. As I said to them, we hope they will thoroughly enjoy their visit, remain long, and soon come again.

During that luncheon the suggestion was made, attributed to me but it did not originate with me, that it would be a good idea for all children in America to be required to study Spanish in grammar school and high school, and that the children of the South American countries be required to study English.

While, as I say, the idea did not originate with me I consider it an excellent one and sincerely hope it may materialize.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. JARMAN] may proceed for 5 additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JARMAN. I know of no way in which peoples of different nations can come to know each other as well and be as close to each other, as comrades, as brotherly, as neighborly, as for the peoples of the different nations to speak well, even though not fluently, the language of their neighbor; so it affords me pleasure to indulge in that suggestion and to express the hope that it may bear fruit in the years to come contributing toward a closer relationship between all 21 countries of this hemisphere, because it is in this hemisphere as we all know that the future not only of America but of the entire world lies. On the conduct of these 21 nations depends the future of the world.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I gladly yield to the charming gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Does not the gentleman from Alabama believe that one way to achieve solidarity in the Western Hemisphere is through the good offices of our own very fine press at home and the press of the countries represented today by these extremely cultivated, gracious, and able gentlemen?

Mr. JARMAN. The gentlewoman from Massachusetts is undoubtedly correct; there is no group of people in those countries or our own country who are in position to accomplish more toward that end than the representatives of the press.

Mrs. ROGERS of Massachusetts. If the gentleman will yield further, may I say that the press of these countries is doing exceptionally fine work in bringing about understanding and appreciation of our common hopes and problems.

Mr. JARMAN. That is certainly true. All of us appreciate their fine contribution toward the war effort and American solidarity. When these able gentlemen return to their homelands their knowledge of America will enable them to accomplish even more along that line.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I gladly yield to my friend the distinguished gentleman from Idaho.

Mr. WHITE. In furthering that great plan of solidifying our relations with the other American countries does not the gentleman believe it will be a good thing if we could have a convention, an agreement with them to standardize the moneys of the respective countries so

that their gold peso and our gold dollar, their silver dollar and our silver dollar, would be standardized to a certain value which would make them pass current in both countries?

Mr. JARMAN. I regret to say I am not sufficiently familiar with money matters to know much about that but I unhesitatingly express the belief that the gentleman's thought is worthy of mature consideration. In other words, in the vernacular of the street, I am impressed with the probability that "he has something."

URGENT DEFICIENCY BILL

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a conference report on the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. CANNON]?

There was no objection.

Mr. CANNON of Missouri submitted the following conference report and statement:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) "making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 59.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58; and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$4,497,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lines 11, 12, and 13 of the matter inserted by said amendment strike out the proviso.

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"BITUMINOUS COAL DIVISION

"For the Bituminous Coal Division, fiscal year 1943, in carrying out the purposes of the Bituminous Coal Act of 1937, as amended (15 U. S. C. 828-849), as further amended by the Act of April 24, 1943 (Public Law 40), and as further amended, to be supplemental to and merged with the appropriation under this head in the Interior Department Appropriation Act, 1943, and to be available for the same objects of expenditure, \$700,000, to continue available during the fiscal year 1944."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 8, 37, 41, 60, and 61.

CLARENCE CANNON,
LOUIS LUDLOW,
EMMETT O'NEAL,
LOUIS C. RABAUT,
JED JOHNSON,
JOHN TABER,
R. B. WIGGLESWORTH,

Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
MILLARD E. TYDINGS,
R. B. RUSSELL,
GERALD P. NYE,
H. C. LODGE, JR.,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Nos. 1, 2, and 3, relating to the Senate: Provides \$15,456 for payment of pages for the Senate Chamber and \$13,592 for the Senate restaurants, all as proposed by the Senate.

No. 4: Appropriates \$10,600 for Capitol Buildings under the Architect of the Capitol, as proposed by the Senate.

Nos. 6 and 7, relating to the War Production Board: Appropriates \$4,497,000, instead of \$4,597,000 as proposed by the Senate and \$4,363,000 as proposed by the House and in so doing eliminates \$100,000 proposed by the Senate for work during part of the month of June to increase lumber production and fixes the limitation for printing and binding at \$834,000 as proposed by the Senate instead of \$700,000 as proposed by the House.

No. 9: Appropriates \$16,000 as proposed by the Senate for the Office of Bituminous Coal Consumers' Counsel, which office was extended until August 24, 1943, by the act of May 24, 1943, and eliminates the proviso attached to the appropriation making availability of the amount contingent upon the enactment of the new law.

Nos. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33, relating to the District of Columbia: Appropriates \$4,000 for postage; \$1,675 for judicial expenses; \$108.40 for general advertising, fiscal year 1941; \$8,200 for printing and binding; \$35,000 for refund of erroneous collections; \$3,472.39 for payment to Joseph Sharrisin; \$28,500 for maintenance expenses of the Tuberculosis Sanatoria; \$5,464.14 for salaries for municipal court employees; \$6,036.58 for support of convicts; \$4,562 for support of boys in the National Training School for Boys; \$4,500 for deportation of nonresident insane; \$453.12 for the militia, fiscal year 1941; \$2,152.54 for settlement of claims and suits; \$11,418.75 for judgments against the District; \$1,037.94 for audited claims, fiscal year 1940 and prior years; \$589,093 for temporary increase in compensation under the act of April 1, 1943, for employees of the District of Columbia; \$468.19 for expenses of the Department of Vehicles and Traffic, fiscal year 1941; \$7,426.65 for refund of paving assessments under the act of April 23, 1924, as amended; and \$174,763 for operation of the Washington Aqueduct; all as proposed by the Senate.

Nos. 34 and 35: Appropriates \$700,000, instead of \$800,000 as proposed by the Senate, for salaries and expenses of the Bituminous Coal Division until August 24, 1943, under the act of May 24, 1943, and eliminates the proviso attached to the appropriation making

availability thereof contingent upon the enactment of the new law.

No. 36: Appropriates \$20,000 for maintenance of the Wapato irrigation and drainage system, Yakima Reservation, Wash., under the Bureau of Indian Affairs, as proposed by the Senate.

Nos. 38, 39, and 40, relating to the government of the Virgin Islands: Appropriates \$7,000 for salaries and expenses, government of the Virgin Islands, and \$2,100 for salaries and expenses, agricultural experiment station and vocational school, Virgin Islands, all as proposed by the Senate.

No. 42: Increases the limitation of \$19,950 on the amount expendable for the fiscal year 1943 for administrative expenses, Puerto Rican hurricane relief, to \$22,350, as proposed by the Senate.

Nos. 43, 44, 45, 46, 47, 48, 49, 50, and 51, relating to the Post Office Department: Appropriates \$8,800 for clerks, division headquarters, Office of the Chief Inspector; \$14,000 for Star Route Service, fiscal year 1942; \$5,375,000 for Railway Mail Service; \$375,000 for railway postal clerks, travel allowance; \$3,000 for Railway Mail Service, traveling expenses; \$192,541 for the fiscal year 1941, and \$327,891 for the fiscal year 1942, for domestic air-mail service; and \$110,000, fiscal year 1942, and \$660,000, fiscal year 1943, for indemnities, domestic mail; all as proposed by the Senate.

Nos. 52 and 56: Transfers the appropriation of \$44,800 out of the Soldiers' Home trust fund for payment of overtime compensation from the applicability of the Overtime War Compensation Act, 1943, and makes payment subject to the regulation of the board of commissioners of the National Soldiers' Home.

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No. 59: Restores the language of the House bill, stricken out by the Senate, providing that for the purposes of the general citizenship requirements of section 302 an affidavit signed by any concerned person shall be considered prima facie evidence that the requirements of the section with respect to the status of such person have been complied with.

AMENDMENTS REPORTED IN DISAGREEMENT

The following amendments of the Senate are reported in disagreement:

No. 5: Relating to the President's emergency fund.

No. 8: Increasing for the fiscal year 1943 to \$294,430 the amount that may be used by the War Shipping Administration for traveling expenses. House managers will move to recede and concur.

No. 37: Appropriating \$400,000 to enable the Geological Survey to meet obligations incurred by it arising from cooperative work pending reimbursement. House managers will move to recede and concur.

No. 41: Appropriating \$45,000 for defraying deficits in treasuries of municipal governments, Virgin Islands. House managers will move to recede and concur.

Nos. 60 and 61: Relating to the employment of Goodwin B. Watson, William E. Dodd, Jr., and Robert Morris Lovett. House managers will move to insist on House amendments.

CLARENCE CANNON,
LOUIS LUDLOW,
EMMETT O'NEAL,
LOUIS C. RABAUT,
JED JOHNSON,
JOHN TABER,
R. B. WIGGLESWORTH,

Managers on the part of the House.

EXTENSION OF REMARKS

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include a statement by the gentleman from North Carolina [Mr. KERR], chairman of the Committee on Appropriations subcommittee on subversive activities of Federal employees and also to extend my own remarks in that connection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. CANNON]?

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include certain excerpts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho [Mr. WHITE]?

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

PERMISSION TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to address the House and to revise and extend my own remarks in the Record and to include the text of a resolution I have introduced and a number of letters I have received.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana [Mr. LUDLOW]?

There was no objection.

[Mr. LUDLOW addressed the House. His remarks appear in the Appendix of today's Record.]

LEAVE OF ABSENCE

Leave of absence was granted by unanimous consent, as follows:

To Mr. TABER, for 1 week, on account of important business.

To Mr. VAN ZANDT, for an indefinite period, on account of official business.

To Mr. ELLSWORTH (at the request of Mr. HOLMES of Washington), for June 1 and June 2, on account of official business.

To Mr. HENDRICKS, indefinitely, on account of illness.

To Mr. JOHNSON of Indiana, for the remainder of the week, on account of official business.

To Mr. HARTLEY (at the request of Mr. EATON) for 2 days, on account of important business.

ENROLLED BILL SIGNED

Mr. KLEIN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 2346. An act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes.

ADJOURNMENT

Mr. FERNANDEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p. m.)

the House adjourned until tomorrow, Wednesday, June 2, 1943, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS (Wednesday, June 2, 1943)

There will be a meeting of the committee at 10 a. m. on Wednesday, June 2, 1943, for consideration of housing bills, in room 1304, New House Office Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(Wednesday, June 2, and Thursday, June 3, 1943)

The Committee on Immigration and Naturalization will hold hearings at 10 a. m. on Wednesday, June 2, and Thursday, June 3, 1943, on bills dealing with the Chinese Exclusion Act—H. R. 1832 and H. R. 2309.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(Wednesday, June 2, 1943)

There will be a meeting of the Subcommittee on Investigation of Restriction on Brand Names and Newsprint of the Committee on Interstate and Foreign Commerce at 2 p. m. o'clock, Wednesday, June 2, 1943.

Business to be considered: Resuming public hearings pursuant to House Resolution 98 by Congressman HALLECK. Food and canners' industry will be heard.

COMMITTEE ON THE CIVIL SERVICE

(Thursday, June 3, 1943)

The Committee on the Civil Service will hold a public hearing on Thursday, June 3, 1943, at 10 o'clock a. m. (H. Res. 16), for further investigation and studies of the policies and practices relating to civilian employment in governmental departments. Room 246, Old House Office Building.

COMMITTEE ON THE JUDICIARY

(Friday, June 4, 1943)

Subcommittee No. 2 of the Committee on the Judiciary will conduct hearings on H. R. 2617, a bill to provide for speedy and summary notice in proceedings to condemn property for war purposes, and to accelerate the distribution of deposits and awards to the persons entitled thereto in such cases, at 10:30 a. m. on Friday, June 4, 1943, in room 346, Old House Office Building, Washington, D. C.

COMMITTEE ON FLOOD CONTROL

(Revised schedule of hearings daily at 10 a. m. on flood-control bill of 1943, beginning Tuesday, June 1, 1943)

The Flood Control Committee will conduct hearings on flood-control reports submitted by the Chief of Engineers since the passage of the Flood Control Act of August 18, 1941, and on amendments to existing law. Flood-control projects for post-war construction will be among the most satisfactory public works, and the committee plans an adequate backlog of sound flood-control projects available for construction following the war.

1. Wednesday, June 2: General Reybold, General Robins, Colonel Goethals, other representatives of the Office of

Chief of Engineers, and proponents on projects for the New England region, including the Connecticut and Merrimac Rivers, and the Middle Atlantic region, including New York, Pennsylvania, and New Jersey.

2. Thursday, June 3: General Reybold, General Robins, Colonel Goethals, other representatives of the Office of Chief of Engineers, and proponents on projects in the upper and lower Ohio River and tributaries, and on projects of the South Atlantic region, including rivers flowing into the Atlantic Ocean and Gulf of Mexico east of the Mississippi River.

3. Friday, June 4: General Reybold, General Robins, Colonel Goethals, other representatives of the Office of Chief of Engineers, and proponents on projects along the Missouri River and tributaries and the upper Mississippi River and the Great Lakes region.

4. Tuesday, June 8: General Reybold, General Robins, Colonel Goethals, other representatives of the Office of Chief of Engineers, and proponents on projects in the lower Mississippi River and tributaries, including the Arkansas and White Rivers, and on rivers flowing into the Gulf west of the Mississippi River; and in the western Rocky Mountain region, including Texas and Colorado, and in the Pacific Northwest region, including the Willamette River and the Columbia River and tributaries.

5. Wednesday, June 9: General Reybold, General Robins, Colonel Goethals, other representatives of the Office of Chief of Engineers, and proponents on projects in the Los Angeles area and in the State of California, including the Sacramento, San Joaquin, and Kern River Valleys, and on projects in other regions and in other parts of the United States.

6. Thursday, June 10: Representatives of the Department of Agriculture and the Bureau of Reclamation, and other governmental agencies.

7. Friday, June 11: Senators and Representatives of Congress.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(Thursday, June 10, 1943)

The Committee on the Merchant Marine and Fisheries will hold a public hearing on Thursday, June 10, 1943, at 10 o'clock a. m., on H. R. 2731, to facilitate the award and payment of just compensation for property requisitioned under the authority of section 902 (a) of the Merchant Marine Act, 1936, as amended, and for other purposes.

COMMITTEE ON THE JUDICIARY

(Wednesday, June 16, 1943)

Subcommittee No. 1 of the Committee on the Judiciary will conduct hearings on H. R. 2620, a bill to provide for a Delegate from the District of Columbia to the House of Representatives of the United States, and for other purposes, at 10 a. m. on Wednesday, June 16, 1943, in room 346, Old House Office Building, Washington, D. C.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

443. A communication from the President of the United States, transmitting an estimate of appropriation for the Smaller War Plants Corporation for the fiscal year 1944, amounting to \$12,006,000 (H. Doc. No. 215); to the Committee on Appropriations and ordered to be printed.

444. A communication from the President of the United States, transmitting a report on Federal contributions to States and local governmental units with respect to federally owned real estate (H. Doc. No. 216); to the Committee on the Public Lands and ordered to be printed with illustrations.

445. A letter from the Secretary of War, transmitting a draft of a proposed bill to authorize the disposition of certain property under the jurisdiction of the War Department; to the Committee on Military Affairs.

446. A letter from the Attorney General, transmitting a draft of a proposed bill to amend the law of the District of Columbia relating to the carrying of concealed weapons; to the Committee on the District of Columbia.

447. A letter from the Attorney General, transmitting a draft of a proposed bill to make it a criminal offense for certain escaped convicts to travel from one State to another; to the Committee on the Judiciary.

448. A letter from the Attorney General, transmitting the third report of the Attorney General covering the period from February 1, 1943, through May 26, 1943, pursuant to section 12 of Public Law 603, Seventy-seventh Congress, approved June 11, 1942; to the Committee on Banking and Currency.

449. A letter from the Acting Administrator, Federal Security Agency, transmitting the Third Quarterly Report of the United States Commissioner of Education on the Education and Training of Defense Workers, covering the period beginning January 1, 1943, and ending March 31, 1943; to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 511. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 512. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

Mr. BLAND: Committee on the Merchant Marine and Fisheries. S. 163. An act to amend section 511 of the Merchant Marine Act, 1936, as amended, relating to ship construction reserve funds, and for other purposes; with amendment (Rept. No. 513). Referred to the Committee on the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GEARHART:

H. R. 2832. A bill to amend the Nationality Act of 1940 so as to permit naturalization

URGENT DEFICIENCY APPROPRIATION BILL, 1943

JUNE 1, 1943.—Ordered to be printed

MR. CANNON of Missouri, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 2714]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 59.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58; and agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert \$4,497,000; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lines 11, 12, and 13 of the matter inserted by said amendment strike out the proviso.

And the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

BITUMINOUS COAL DIVISION

For the Bituminous Coal Division, fiscal year 1943, in carrying out the purposes of the Bituminous Coal Act of 1937, as amended (15 U. S. C. 828-849), as further amended by the Act of April 24, 1943 (Public Law 40), and as further amended, to be supplemental to and merged with the appropriation under this head in the Interior Department Appropriation Act, 1943, and to be available for the same objects of expenditure, \$700,000, to continue available during the fiscal year 1944.

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 8, 37, 41, 60, and 61.

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Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
MILLARD E. TYDINGS,
R. B. RUSSELL,
GERALD P. NYE,
H. C. LODGE, JR.

Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Nos. 1, 2, and 3, relating to the Senate: Provides \$15,456 for payment of pages for the Senate Chamber and \$13,592 for the Senate restaurants, all as proposed by the Senate.

No. 4: Appropriates \$10,600 for Capitol Buildings under the Architect of the Capitol, as proposed by the Senate.

Nos. 6 and 7, relating to the War Production Board; appropriates \$4,497,000, instead of \$4,597,000 as proposed by the Senate and \$4,363,000 as proposed by the House and in so doing eliminates \$100,000 proposed by the Senate for work during part of the month of June to increase lumber production and fixes the limitation for printing and binding at \$834,000 as proposed by the Senate instead of \$700,000 as proposed by the House.

No. 9: Appropriates \$16,000 as proposed by the Senate for the Office of Bituminous Coal Consumers' Counsel which office was extended until August 24, 1943, by the act of May 24, 1943, and eliminates the proviso attached to the appropriation making availability of the amount contingent upon the enactment of the new law.

Nos. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33, relating to the District of Columbia: Appropriates \$4,000 for postage; \$1,675 for judicial expenses; \$108.40 for general advertising, fiscal year 1941; \$8,200 for printing and binding; \$35,000 for refund of erroneous collections; \$3,472.39 for payment to Joseph Sharfsin; \$28,500 for maintenance expenses of the Tuberculosis Sanatoria; \$5,464.14 for salaries for municipal court employees; \$6,036.58 for support of convicts; \$4,562 for support of boys in the National Training School for Boys; \$4,500 for deportation of non-resident insane; \$453.12 for the militia, fiscal year 1941; \$2,152.54 for settlement of claims and suits; \$11,418.75 for judgments against the District, \$1,037.94 for audited claims, fiscal year 1940 and prior years; \$589,093 for temporary increase in compensation under the act of April 1, 1943, for employees of the District of Columbia; \$468.19 for expenses of the Department of Vehicles and Traffic, fiscal year 1941; \$7,426.65 for refund of paying assessments under the act of April 23, 1924, as amended; and \$174,763 for operation of the Washington Aqueduct; all as proposed by the Senate.

Nos. 34 and 35: Appropriates \$700,000, instead of \$800,000 as proposed by the Senate, for salaries and expenses of the Bituminous Coal Division until August 24, 1943, under the act of May 24, 1943, and eliminates the proviso attached to the appropriation making availability thereof contingent upon the enactment of the new law.

No. 36: Appropriates \$20,000 for maintenance of the Wapato irrigation and drainage system, Yakima Reservation, Wash., under the Bureau of Indian Affairs, as proposed by the Senate.

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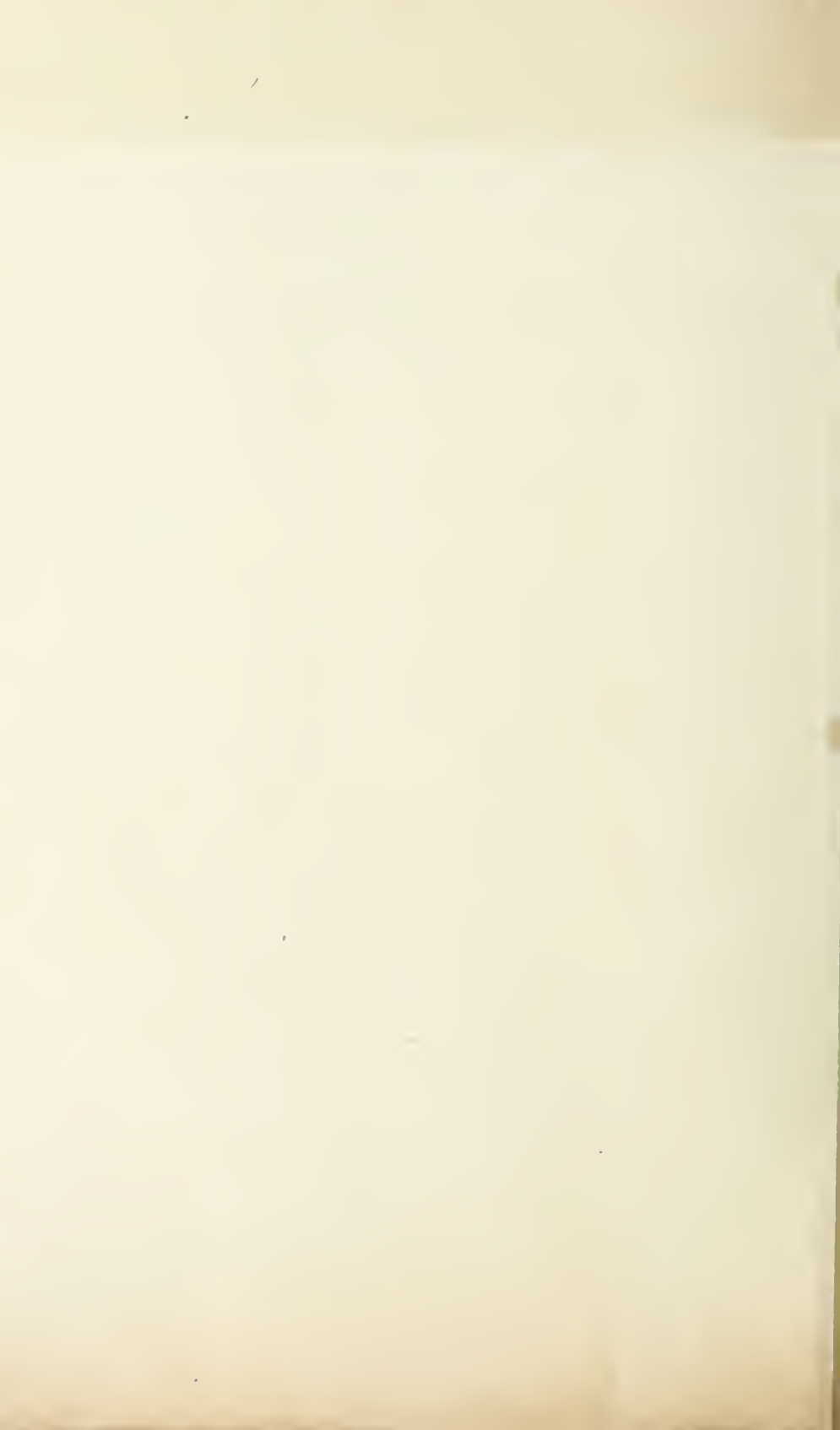
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JOHN TABER,

R. B. WIGGLESWORTH,

Managers on the part of the House.





the gentleman from Wisconsin who is now speaking interposed an objection.

I may say to the membership of the House that I have acquainted myself with the facts in reference to this bill and I find that there should be no objection to it, therefore I withdraw any objection that I offered a few moments ago.

Mr. CARTER. Mr. Speaker, will the gentleman from Montana very briefly tell us what the bill does?

Mr. O'CONNOR. Mr. Speaker, I will state what the bill does. In 1938 the Congress passed an act giving the Ute Indians of Utah the right to file a claim in the Court of Claims against the Government involving the value of some land that the Indians claimed had been unlawfully taken from them. There was an expiring date on that right to file the suit of June 28, 1943.

The reason why suit has not been filed is because two members of the law firm who represented the Ute Indians are now in the service of the Army or Navy.

Mr. CARTER. How long a time will this be extended?

Mr. O'CONNOR. It is extended until 1946. I may say further that this bill has the support of the Interior Department and likewise the Commissioner of Indian Affairs who believe the Indians should have their day in court. That is in substance what the bill is.

Mr. KEEFE. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Wisconsin.

Mr. KEEFE. My investigation discloses the facts to be that the attorneys who were handling these claims for the Indians purposely refrained from starting suit on the items that are now open because of the fact that they were in negotiation with the Interior Department and it was expected, and still is expected, that these matters on which suit has not been instituted will be settled by agreement without the necessity of commencing suit; but they are under the necessity of either commencing this suit before the expiration date, which is about 20 days hence, or they will lose their right to commence suit. If they do commence action it is expected that that will set aside all of the efforts toward negotiations that have been had in the past. I believe we will be doing a good thing if we extend the time on the basis of those facts which I have ascertained.

Mr. CARTER. Does not the gentleman think that is an unusually long time to extend that right? That is a period of 3 years, as I understand it.

Mr. KEEFE. I do not think so, under the circumstances, due to the fact I have also ascertained that the two men in Mr. Wilkerson's office who represent these Indian tribes and who had the active handling of these particular claims have entered the armed forces and there is no one in the office who is familiar with these claims, and who can within the time limit properly prepare the petition in order to get the claims in the Court of Claims.

Mr. CARTER. Mr. Speaker, in view of the statement of the gentleman from

Wisconsin and the gentleman from Montana, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Montana [Mr. O'CONNOR]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the time within which a suit or suits may be brought under the act entitled "An act conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians or any tribe or band thereof may have against the United States and for other purposes," approved June 28, 1938 (52 Stat. 1209), be, and the same hereby is, extended until 1 year after the termination of hostilities by the United States in the present World War.

With the following committee amendment:

Page 2, line 1 and 2, strike out the words "1 year after the termination of hostilities by the United States in the present World War" and substitute therefor "December 31, 1946."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article entitled "Women at Work."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. BARRETT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by Warwick M. Downing.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

CALL OF THE HOUSE

Mr. BLACKNEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. CANNON of Missouri. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 93]

Barry	Fulmer	O'Toole
Bell	Furlong	Pfeifer
Bradley, Mich.	Gavagan	Philbin
Brehm	Gibson	Pracht
Buckley	Gossett	Rees, Kans.
Bulwinkle	Grant, Ala.	Rivers
Byrne	Gross	Rizley
Cannon, Fla.	Hébert	Robinson, Utah
Capozzoli	Heffernan	Rogers, Calif.
Celler	Hendricks	Russell
Chenoweth	Hollifield	Sabath
Cochran	Holmes, Mass.	Sasscer
Cole, N. Y.	Hope	Scanlon
Colmer	Johnson	Smith, W. Va.
Costello	London B.	Stanley
Crawford	Johnson, Okla.	Steagall
Culkin	Kelley	Stearns, N. H.
Cullen	Kennedy	Talbot
Curley	King	Taylor
Dawson	LeCompte	Thomas, N. J.
Dies	LeFevre	Tolan
Dirksen	Lynch	Treadway
Domengeaux	McGehee	Van Zandt
Doughton	McGranery	Vinson, Ga.
Douglas	McGregor	Voorhis, Calif.
Drewry	Marcantonio	Wadsworth
Eaton	Merrow	Weichel, Ohio
Eberharter	Monkiewicz	Wheat
Feighan	Mundt	Whitcomb, Ga.
Fitzpatrick	Nichols	Worley
Flannagan	O'Brien, N. Y.	
Fogarty	O'Leary	

The SPEAKER. Three hundred and thirty-eight Members have answered to their names, a quorum.

Further proceedings, under the call, were dispensed with.

URGENT DEFICIENCY BILL, 1943— CONFERENCE REPORT

Mr. CANNON of Missouri. Mr. Speaker, I call up the conference report on the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 1, 1943.)

Mr. CANNON of Missouri. Mr. Speaker, the amount carried by this bill as it passed the House was \$134,096,279.86. When it reached the Senate, the Senate added amendments aggregating \$9,534,311.70, so that the bill went to conference providing appropriations totaling \$143,430,591.56.

In conference the Senate receded from \$200,000 of the \$9,534,311.70 and the House agreed to the remaining \$9,334,311.70 proposed by the Senate.

Six amendments remain in disagreement, and will be taken up in their order as soon as the conference report is disposed of. The first relates to limitation of the President's emergency fund and will doubtless occasion some discussion. The remaining five are of minor importance—with the possible exception of the last, dealing with the provision relating to Messrs Watson, Dodd, and Lovett, reported by the Kerr committee—and will require little, if any, debate.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from New York.

Mr. TABER. The conference report is unanimous on the part of the conferees?

Mr. CANNON of Missouri. The conference report has the unanimous approval of all House conferees on both sides of the aisle.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 5: Page 3, line 16, strike out "Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for the National Resources Planning Board or the Farm Security Administration or for any of the functions of either said Board or said Administration", and insert "Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for any of the functions of any agency of Government for which appropriations have been duly made by the Congress, or for the functions of any agency for which estimates have been submitted by the Budget and for which the Congress has failed to make appropriations: Provided further, That this limitation shall not apply to allotments or allocations made to the War Department or the Navy Department."

Mr. CANNON of Missouri. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede from its disagreement to Senate amendment No. 5 and agree to the same with an amendment as follows: Omit all of the matter stricken out and all of the matter inserted by such amendment.

Mr. TABER. Mr. Speaker, a preferential motion. I move that the House recede and concur in the Senate amendment.

Mr. CANNON of Missouri. Mr. Speaker, I ask for a division of that motion.

The SPEAKER. The question is, Will the House recede from its disagreement to Senate amendment No. 5?

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 128, noes 0.

So the motion to recede was agreed to.

Mr. CANNON of Missouri. Mr. Speaker, I move to concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves to concur in the Senate amendment with an amendment as follows: Omit all of the matter stricken out and all of the matter inserted by such amendment.

Mr. TABER. Mr. Speaker, I demand a second on that motion.

Mr. CANNON of Missouri. Mr. Speaker, I move the previous question on my motion.

Mr. TABER. I demand a second on that, Mr. Speaker.

The SPEAKER. On what does the gentleman demand a second?

Mr. TABER. On the motion for the previous question.

Mr. CANNON of Missouri. Mr. Speaker, we have 20 minutes on a side. I have moved the previous question. Therefore, when the gentleman demands a second, we have 20 minutes on a side.

The SPEAKER. The previous question must be ordered before any time at all is fixed.

The question is on the motion for the previous question.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 43, noes 111.

So the motion for the previous question was rejected.

Mr. TABER. Mr. Speaker, I offer a substitute for the motion offered by the gentleman from Missouri.

The Clerk read as follows:

Mr. TABER moves to substitute for the Cannon amendment an amendment as follows: Add to the language of the Senate amendment No. 5 the following: "or the Department of State or the Office of Strategic Services."

Mr. TABER. On that motion I move the previous question, Mr. Speaker.

The previous question was ordered.

The SPEAKER. Does the gentleman desire 20 minutes of debate on each side now?

Mr. CANNON of Missouri. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Missouri is recognized for 20 minutes.

Mr. CANNON of Missouri. Mr. Speaker, the man who left his impress on human institutions more indelibly than any other man who ever lived, expressed his life policy in a single sentence, "This one thing I do."

Likewise the American people have today one dominant purpose—to win the war; to win it as quickly and win it as cheaply as it can be won—but to win the war. Anything that interferes with that purpose, and anything that does not contribute to that purpose, has no place today in the national program or in this legislation.

Judged by that standard, the proposal presented by the substitute amendment of the gentleman from New York is not in harmony with the war program. It will contribute nothing to the winning of the war. On the contrary, it will seriously interfere with the prompt and successful prosecution of the war.

Let us examine the amendment and its effect if agreed to. What does the amendment involve? When this bill first came to the floor it carried an appropriation for the President's emergency fund. The President's emergency fund is a vital part of the war program. Such funds have been provided in every war fought by the United States. Always in time of war we have made provision for an emergency fund to be handled secretly at the discretion of the Commander in Chief. Obviously we cannot notify Berlin and Tokyo as to our plans; what expenditures we are making, or what we are buying with the money. It is, therefore, indispensable that a secret fund be available under the control of the President which he can use at any time in any emergency and without restrictions. Such a fund was made avail-

able to President McKinley in the Spanish-American War. Such a fund was provided for President Wilson in the World War. And on each occasion it was appropriated by Congress without any limitation whatever.

In keeping with that precedent, and in conformity with the needs of modern warfare, the committee in originally reporting this bill to the House, and in response to a recommendation by the Bureau of the Budget, included an amount for the President's emergency fund. It was precisely the same appropriation—although in smaller amount—which had been made for McKinley and Wilson.

But when the bill came to the floor—contrary to the recommendation of the Committee on Appropriations; contrary to the recommendation of its subcommittee; contrary to the recommendation of the members in charge of the bill—an amendment was offered to limit the President's control of the fund.

The amendment was adroitly worded. It named two purposes of expenditure against which there was great prejudice and for which appropriations had been previously denied. It denied the President the right to expend any of this fund for the National Planning Board, or for Farm Security, although there was no thought of using it for either purpose and, now, no possibility under the law of expending any of it for either purpose.

Now let it be said again, as it was said before, that the issue before us, neither at the time nor now, is the National Planning Board or Farm Security.

I approve of appropriations for both purposes, as I stated at that time and as I state now. But regardless of how ardently I or anybody else may desire it, not a dollar can be taken from the President's fund for either purpose for the simple reason that in other legislation, diversions from the President's emergency fund for the Planning Board and Farm Security have been expressly prohibited. The House denied funds for the National Resources Planning Board in the independent offices appropriation bill and the Senate restored them and denied supplementary funds from any other source, which, of course, included the President's emergency fund. The House denied funds for farm security in the agricultural appropriation bill and the Senate restored them and denied supplementary funds from any other source, which, of course, included the President's emergency fund. So an amendment to this bill denying funds for either the Planning Board or Farm Security from the President's emergency fund is futile and superfluous on the face of it.

Nor is there occasion for anxiety about any of the other prohibitions set out in the pending substitute amendment. They are offered in the same spirit which prompted the amendment against the Planning Board and Farm Security. That is not the issue raised by this amendment. That is not the purport of this amendment. The purport of this amendment is to register lack of confi-

dence in the Commander in Chief of the Army and Navy who has control of this secret fund. The purpose is to suggest that he cannot be trusted to spend it for patriotic purposes; that he will divert money from this fund to purposes not in keeping with the war program.

Now, I ask you if such an amendment; an amendment casting aspersions on the Commander in Chief and notifying the Nation at home, and our allies and enemies abroad, that the Congress has lost confidence in the integrity and patriotism of the President in his prosecution of the war. I ask you if such an amendment will contribute in this national crisis to the winning of the war? Will we be nearer to success in the war if this doubting-Thomas amendment is agreed to than if it is disagreed to? That is the issue on which you are voting in disposing of this amendment. There can be no other issue.

I have no objection to criticism of the President. That is a God-given right guaranteed by the Constitution of the United States. That is a right for which we are fighting in this war. But this amendment expressing lack of confidence in the President is more than criticism. It charges design to divert vital war funds from the prosecution of the war. It charges maladministration which would be ground for impeachment. Will an amendment implying such charges help win the war—will such an amendment help America in this hour of need?

But this amendment is more than an expression of lack of confidence. It amounts to a prohibition of the use of the Emergency fund. And I quote the highest authority to that effect, a letter just received from the Director of the Bureau of the Budget.

The letter which is directed at the Senate amendment, but which applies even more forcibly to the pending substitute amendment, is as follows:

MAY 31, 1943.

HON. CLARENCE CANNON,
House of Representatives,
Washington, D. C.

MY DEAR MR. CANNON: I wish to call your attention to the action of the Senate in amending the provision in the urgent deficiency bill relating to the President's fund. This amendment reads:

"Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for any of the functions of any agency of Government for which appropriations have been duly made by the Congress, or for the functions of any agency for which estimates have been submitted by the Bureau of the Budget and for which the Congress has failed to make appropriations: *Provided further*, That this limitation shall not apply to allotments or allocations made to the War Department or the Navy Department."

The effect of this amendment is to so hamper and restrict the President in his use of these funds that they would be of very little value to him and would not at all serve the purpose for which Congress established the funds.

This amendment would forbid the allotment or expenditure of funds for any agency of the Government for which Congress has made appropriations, excepting the War and Navy Departments. It would prevent the allocation of funds for any agency for which estimates had been submitted by the Bureau of the Budget and for which Congress

had failed to make appropriations. This would seem to contradict the language of the appropriations for the President's fund which provides:

"To enable the President, through appropriate agencies of the Government, to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith, and to make all necessary expenditures incident thereto for any purpose for which the Congress has previously made appropriation or authorization" (Public, No. 678, 77th Cong.).

It is not quite clear to me for just what functions or purposes this appropriation would be available in 1944. Certainly no agency that has an appropriation or for which an estimate has been submitted and Congress has failed to make an appropriation would be eligible for an allocation of funds. There are, or will be by 1944, practically no agencies of Government not covered by these two categories. The only way in which this allocation can be spent is to create a new agency or to make an allocation to the Army or Navy. Since the Chief of Staff now has a discretionary fund at his disposal which is both larger and less restricted than the authority granted to the President, it hardly seems likely that future allocations of any importance will be made to the War Department.

You may recall our correspondence in connection with the Mexican railroad project in the Office of Coordinator of Inter-American Affairs in which you and the committee agreed that the project should continue to be financed by allocation from the President's emergency fund up to the total amount of \$7,500,000. It is my understanding that the amendment would prohibit the obligation or expenditure of any part of this allocation after the date of enactment of the bill because this is a function of the Office of the Coordinator, an "agency of Government for which appropriations have been duly made by Congress." Similar situations would arise with most of the allocations now in force because following the language of the appropriation, the funds have been allocated for expenditure "through appropriate agencies of Government."

As was stated in the hearings before your committee, about \$12,500,000 were allocated in the first 4 months of this fiscal year, \$10,500,000 of which were to the State Department for confidential purposes, and the remainder for purposes and reasons which were set forth in a supplementary memorandum to your committee. This does not seem to me to constitute any abuse of the authority lodged in the President, nor indicate any necessity for the restrictions on the use of the fund involved in the Senate amendment.

I strongly urge that in the conference with the Senate you insist upon the elimination of this item since the restriction is unnecessary and destroys the effectiveness of the fund.

Very truly yours,

WAYNE COY,
Acting Director.

Mr. Speaker, Pizarro, with his sword drew a line in the sand and invited all those who would go forward to step across the line. And those who stepped forward won a new world. We draw a line on this amendment and invite all who are solely interested in winning the war to cast a forward looking vote—a vote that will defend and preserve the New World.

THE SPEAKER. The gentleman from Missouri has consumed 20 minutes.

MR. LUDLOW. Mr. Speaker, I hope the House will not vote for the substitute without a full understanding of its meaning and implications.

I hope the House in this time of war, when the very life of our Nation is at stake will not vote to put the Commander in Chief of the Army and Navy in a strait jacket, as far as the use of emergency funds is concerned. I believe it is true that Congress has given the President entirely too many blank checks in years past. I am against every form of blank-check appropriation that is not related to the war and I hope Congress will not give any more blank checks. The only kind of blank check for which there is any justification, in my opinion, is the President's emergency fund.

Most of this fund is used through the State Department to finance highly confidential and secret activities which by their nature cannot be divulged but which are very important toward winning victory for us and our allies.

To say that President Roosevelt shall be denied in the greatest of all wars the use of an emergency fund which other war Presidents have had and which they have found very useful, is to my mind unthinkable. In the Spanish-American War Congress gave President McKinley an emergency fund of \$50,000,000 and provided that this grant was to be "for national security and defense and for each and every purpose connected therewith, to be expended in the discretion of the President."

When the World War broke out Congress gave President Wilson an emergency fund of \$100,000,000 to be expended by him with the same plenary authority that was conveyed in the former statute granting an emergency fund to President McKinley. Later in World War No. 1 President Wilson's emergency fund was increased by \$50,000,000. The wars in which Presidents McKinley and Wilson led us were pigmies compared with the titanic struggle in which we are now involved. With free institutions tumbling to destruction all around the world and with the flower of our young manhood engulfed in the bloodiest war of all times, are we going to reverse these historic precedents and deny to President Roosevelt the use of an emergency fund which other Presidents have employed to advantage in the most crucial periods of our Nation's history?

Under the language of the Senate amendment the President's emergency fund would be nullified as far as useful activities connected with winning the war are concerned but it could be used for other purposes for which Congress has not given its approval. For instance, as a possible case, if Congress should decide against appropriating any money to evacuate American nationals from Turkey, on the ground that they were in no danger, and then Turkey should be sucked into the war, the President could not use any part of his emergency fund to evacuate our nationals even though by the new and unexpected turn of affairs they might be brought into the gravest danger.

On the other hand, under the language of the Senate amendment, the President could use his emergency fund to build the Florida ship canal because the Florida ship canal has been authorized but not appropriated for, and no Budget es-

timite has been submitted to Congress for it.

The Senate amendment, while putting hobbles and handicaps on the President, concludes with an anomalous grant of authority which enables him to make allocations from the fund to the War Department. The irony of this lies in the fact that the Chief of Staff already has an emergency fund to be spent in his discretion amounting to \$125,000,000 while the balance in the President's emergency fund amounts to only \$89,000,000. It ought to be obvious that there is no need of a transfer of money from the President's emergency fund to the emergency fund of the Chief of Staff.

In former wars there was no report of emergency fund expenditures until after the war was over. After World War No. 1 a Republican Congress made an issue of the delay in reporting and it was long after the war when President Wilson submitted a report. President Roosevelt is taking Congress into his confidence with as complete contemporaneous reports as can be made and these are being printed and made public in our committee hearings.

If the language of the Senate amendment is adopted we might just as well repeal the President's emergency fund. All of the activities for which it was created will be strangled by that amendment.

Mr. TABER. Mr. Speaker, I yield myself 10 minutes.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield for a brief question?

Mr. TABER. I yield.

Mr. ANDREWS. Would the gentleman be good enough to explain the import of his inclusion of strategic services in this amendment?

Mr. TABER. It is an independent agency set up by an Executive order and is not directly a part of either the War Department or the Navy Department. It is one of the things that might perhaps require funds of an emergency character that might possibly be needed for the carrying on of our war effort.

Mr. ANDREWS. Will the gentleman yield further?

Mr. TABER. I yield.

Mr. ANDREWS. Then the point of view brought forth by the gentleman from Missouri [Mr. CANNON], in that connection is not correct, and your amendment would be helpful to the Office of Strategic Services?

Mr. TABER. My amendment would permit the emergency fund of the President, which presently consists of about \$90,000,000, to be allotted either to the War Department, the Navy Department, the State Department—which has very many unusual functions in these days—or to the Office of Strategic Services. The Senate amendment would not permit of any allotment to any set-up, as I understand it, outside of the War and Navy Departments. The Senate approved that amendment unanimously.

The reason why these restrictions have come up from time to time is this: The President has on occasions allocated large sums of money for things that were not necessary, that did not contribute to the war effort, like the St.

Lawrence waterway proposition, which manifestly was not something that was a part of the war effort.

The previous amendments that the House has placed upon the language of the President's fund resulted in this: That allotments might be made for any purpose for which the Congress had previously made appropriations or granted authorizations. Under that no allotments can be made for anything unless previous appropriations or authorizations had been made by the Congress of the United States.

This amendment of the Senate goes further, and it was adopted by the Senate Appropriations Committee, according to my understanding, unanimously, and by the Senate without a dissenting voice, so that restrictions might be placed on that fund, so that it could only be used for effective war purposes. You and I, all of us, want to see this war carried on in the very best possible way and in the most effective way, and we do not want to have a lot of money wasted or spent or allotted for things that the Congress did not appropriate for.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Is it not a fact that Congress refused to appropriate money to build this Office of Information building for which \$625,000 was requested, and is it not also true it was built and paid for in defiance of the express will of the Congress out of the President's emergency fund?

Mr. TABER. The gentleman is correct, with the exception that he calls it a building. It is a monstrosity.

It is about time that that sort of monstrosity was stopped, and it is about time that we spoke out and that we helped the President to go along with the war effort by giving him the authority that he needs and by giving him no further authority.

I offered the amendment in the House which prevented an allotment to the National Resources Planning Board or to the Farm Security Administration, because I felt that those two agencies did not help the war effort and were not helpful in the war effort, and with that very thing in mind I go along with the Senate to adopt the limitation that they have placed upon this bill. There can be no possible interference with the war effort, no possible failure as a result of the adoption of my substitute for the amendment offered by the gentleman from Missouri [Mr. CANNON]. He would wipe out the restrictions the House placed in the bill, and he would give to the President the appropriating power and the authorization instead of reserving it to the Congress, as it should be reserved.

I am asking the Congress to do everything it can do for the war effort, and at the same time to reserve to itself the appropriating power. I want to see the war effort carried on effectively and efficiently; we all do. But everytime a move is made where funds of the United States are wasted on something else, or something that does not contribute to

the war effort, we are interfering with and blocking the war effort.

Mr. O'NEAL. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Kentucky.

Mr. O'NEAL. The amendment offered by the gentleman from New York would limit the use of this money to four agencies alone, and, of course, we know there are many more agencies. If the amendment prevails there still remains the Maritime Commission, the War Production Board, the Bureau of Ships, the F. B. I., the Selective Service, and the other agencies that would not fall under the amendment.

Mr. TABER. The gentleman is correct. The money for the Maritime Commission has been appropriated and it has on hand upward of \$4,000,000,000 of available funds. Every other agency that is really working effectively for the war effort has been given liberal appropriations, and there is no agency where any emergency funds might be required or might be necessary beyond the range of these four that I have named, and where I can conceive that such agencies should not come to the Congress of the United States and ask for the appropriation of funds.

If we do not maintain a decent respect for the proper appropriation of funds, if we do not do the things which prohibit abuse of Executive authority, if we do not stop turning over to the Executive the appropriating powers of the Congress, we are going to contribute to losing the war, and I do not believe that any man of this House or any woman of this House wants to be in that position. I hope that my substitute will be adopted.

The SPEAKER. The question is on agreeing to the substitute amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. CANNON of Missouri) there were—ayes 145, noes 86.

Mr. CANNON of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 205, nays 139, not voting 87, as follows:

[Roll No. 94]

YEAS—205

Abernethy	Carlson, Kans.	Fenton
Allen, Ill.	Carson, Ohio	Fish
Andersen,	Carter	Gale
H. Carl	Case	Gaughan
Anderson, Calif.	Chapman	Gamble
Andresen,	Chilperfield	Gathings
August H.	Church	Gavin
Andrews	Clason	Gearhart
Angell	Clevenger	Gerlach
Arends	Cole, Mo.	Gifford
Arnold	Compton	Gilchrist
Auchincloss	Cunningham	Gillette
Baldwin, Md.	Curtis	Gillie
Baldwin, N. Y.	Day	Goodwin
Barrett	Dewey	Graham
Bates, Mass.	Disney	Grant, Ind.
Beall	Ditter	Griffiths
Bender	Dondero	Gwynne
Bennett, Mich.	Durham	Hale
Bennett, Mo.	Dworshak	Hall
Bishop	Elliott	Edwin Arthur
Blackney	Ellis	Hall,
Bolton	Ellison, Md.	Leonard W.
Brown, Ohio	Ellsworth	Halleck
Buffett	Elmer	Hancock
Busbey	Elston, Ohio	Harness, Ind.
Butler	Engel	Harris, Va.
Canfield	Fellows	Hart

Hartley
Hebert
Heidinger
Herter
Hess
Hill
Hinshaw
Hoeven
Hoffman
Holmes, Wash.
Horan
Howell
Hull
Jeffrey
Jenkins
Jennings
Johnson,
Anton J.
Johnson,
Calvin D.
Johnson, Ind.
Johnson,
J. Leroy
Johnson, Ward
Jones
Jonkman
Judd
Kean
Kearney
Keefe
Kilburn
Kilday
Kinzer
Kleberg
Knutson
Kunkel
LaFollette
Lambertson
Landis
Lanham
Lea
Lemke
Lewis, Ohio

Luce
McCowen
McGregor
McKenzie
McLean
McWilliams
Maas
Mansfield, Tex.
Martin, Iowa
Martin, Mass.
Mason
May
Michener
Miller, Conn.
Miller, Mo.
Miller, Nebr.
Miller, Pa.
Morrison, La.
Mott
Mruk
Murray, Wis.
Norman
O'Hara
O'Konski
Phillips
Pittenger
Ploeser
Plumley
Poage
Poulson
Powers
Ramey
Reece, Tenn.
Reed, Ill.
Reed, N. Y.
Robertson
Robison, Ky.
Rockwell
Rodgers, Pa.
Rogers, Mass.
Rohrbough
Rolph
Rowe

Satterfield
Sauthoff
Schiffier
Schwabe
Scott
Shafer
Short
Simpson, Ill.
Simpson, Pa.
Smith, Maine
Smith, Ohio
Smith, Va.
Smith, Wis.
Springer
Starnes, Ala.
Stearns, N. H.
Stefan
Stevenson
Stockman
Sumner, Ill.
Summers, Tex.
Sundstrom
Taber
Talle
Tibbott
Towe
Troutman
Vorys, Ohio
Vursell
Wadsworth
Walter
Welch
West
Wheat
Wigglesworth
Willey
Wilson
Winter
Wolcott
Wolfenden, Pa.
Wolverton, N. J.
Woodruff, Mich.

NAYS—139

Allen, La.
Anderson,
N. Mex.
Bates, Ky.
Beckworth
Bland
Bloom
Bonner
Boren
Boykin
Brooks
Brown, Ga.
Bryson
Burchill, N. Y.
Burdick
Burgin
Byrne
Camp
Cannon, Mo.
Celler
Clark
Coffee
Cooley
Cooper
Courtney
Creal
Crosier
Curley
D'Alessandro
Davis
Delaney
Dickstein
Dilweg
Dingell
Fay
Fernandez
Fisher
Flannagan
Folger
Forand
Ford
Fulbright
Gordon
Gore
Gorski
Gossett
Granger
Green

Gregory
Hagen
Hare
Harless, Ariz.
Harris, Ark.
Hays
Hobbs
Hoch
Izac
Jackson
Jarman
Johnson,
Luther A.
Kee
Kefauver
Keogh
Kerr
Kirwan
Klein
Lane
Larcade
Lesinski
Ludlow
Lynch
McCord
McCormack
McMillan
McMurray
Madden
Magnuson
Mahon
Maloney
Manasco
Mansfield,
Mont.
Marcantonio
Merritt
Mills
Monroney
Morrison, N. C.
Murdock
Murphy
Murray, Tenn.
Myers
Norrell
Norton
O'Brien, Ill.
O'Brien, Mich.

O'Connor
O'Neal
Outland
Pace
Patman
Patton
Peterson, Fla.
Peterson, Ga.
Price
Priest
Rabaut
Ramspeck
Randolph
Rankin
Richards
Rowan
Sadowski
Schuetz
Sheppard
Sheridan
Sikes
Slaughter
Snider
Somers, N. Y.
Sparkman
Spence
Stewart
Sullivan
Tarver
Thomas, Tex.
Thomason
Vincent, Ky.
Voorhis, Calif.
Ward
Wasielewski
Weaver
Weiss
Wene
Whitten
Whittington
Wickersham
Winstead
Woodrum, Va.
Worley
Wright
Zimmerman

NOT VOTING—87

Barden
Barry
Bell
Bradley, Mich.
Bradley, Pa.
Brehm
Buckley
Bulwinkle
Burch, Va.
Cannon, Fla.

Capozzoli
Chenoweth
Cochran
Cole, N. Y.
Colmer
Costello
Cox
Cravens
Crawford
Culkin

Cullen
Dawson
Dies
Dirksen
Domengaues
Doughton
Douglas
Drewry
Eaton
Eberharter

Feighan
Fitzpatrick
Fogarty
Fulmer
Furlong
Gavagan
Gibson
Grant, Ala.
Gross
Heffernan
Hendricks
Hollfield
Holmes, Mass.
Hope
Jensen
Johnson,
Lyndon B.
Johnson, Okla.
Kelley
Kennedy

King
LeCompte
LeFevre
McGehee
McGranery
Morrow
Monkiewicz
Mundt
Newsome
Nichols
O'Brien, N. Y.
O'Leary
O'Toole
Pfeifer
Philbin
Pracht
Rees, Kans.
Rivers
Rizley
Robinson, Utah

Rogers, Calif.
Russell
Sabath
Sasser
Scanlon
Smith, W. Va.
Stanley
Steagall
Talbot
Taylor
Thomas, N. J.
Tolan
Treadway
Van Zandt
Vinson, Ga.
Welch, Ohio
Welch, Ga.
White

So the substitute was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Dirksen for, with Mr. Vinson of Georgia against.

Mr. Eaton for, with Mr. Capozzoli against.

Mr. Thomas of New Jersey for, with Mr. King against.

Mr. O'Brien of New York for, with Mr. Cochran against.

Mr. Cole of New York for, with Mr. Robinson of Utah against.

Mr. LeFevre for, with Mr. Pfeifer against.

General pairs:

Mr. Steagall with Mr. Treadway.

Mr. Barry with Mr. Jensen.

Mr. McGehee with Mr. Culkin.

Mr. Heffernan with LeCompte.

Mr. Colmer with Mr. Welch of Ohio.

Mr. Buckley with Mr. Hartley.

Mr. Hollfield with Mr. Douglas.

Mr. Eberharter with Mr. Mundt.

Mr. O'Toole with Mr. Monkiewicz.

Mr. Costello with Mr. Pracht.

Mr. Newsome with Mr. Holmes of Massachusetts.

Mr. Gavagan with Mr. Stanley.

Mr. Smith of West Virginia with Mr. Rees of Kansas.

Mr. Cullen with Mr. Talbot.

Mr. Grant of Alabama with Mr. Hope.

Mr. Doughton with Mr. Van Zandt.

Mr. Fitzpatrick with Mr. Taylor.

Mr. Cox with Mr. Chenoweth.

Mr. Kennedy with Mr. Bradley of Michigan.

Mr. Bell with Mr. Rizley.

Mr. Cravens with Mr. Crawford.

Mr. Drewry with Mr. Brehm.

Mr. Sasser with Mr. Morrow.

Mr. Hendricks with Mr. Gross.

Mr. ELLISON of Maryland changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from Missouri as amended by the substitute.

The motion was agreed to.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record at the conclusion of the speech just made by the gentleman from Missouri.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 8: Page 5, line 9:

"War Shipping Administration: Notwithstanding the provisions of section 203 of the First Supplemental National Defense Appropriation Act, 1943 (Public Law 678), the Office for Emergency Management, War Ship-

ping Administration, may expend during the fiscal year 1943 not to exceed \$294,430 for travel."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 37: Page 16, line 16, insert as follows:

"GEOLOGICAL SURVEY

"To enable the Geological Survey to meet obligations incurred by it arising from cooperative work pending reimbursement from cooperating agencies in accordance with the provisions of the act of February 27, 1925 (43 U. S. C. 39, 40); May 10, 1926, as amended (43 U. S. C. 48); June 17, 1935 (43 U. S. C. 49); March 4, 1915, as amended (31 U. S. C. 686); and July 2, 1943 (56 Stat. 537-539), fiscal year 1943, \$400,000, which amount shall be placed to the credit of the 1943 appropriation account of the Geological Survey: *Provided*, That there shall be returned to the Treasury not later than 6 months after the close of the fiscal year 1943 out of reimbursements received from cooperating agencies an amount equal to the sum herein appropriated."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 41: Page 17, line 18:

"Defraying deficits in treasuries of municipal governments, Virgin Islands: For an additional amount, fiscal year 1943, for defraying the deficit in the treasury of the municipal government of St. Croix because of the excess of current expenses over current revenues for the fiscal year 1943 (56 Stat. 560), \$45,000."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that amendments numbered 60 and 61 be considered simultaneously, as they relate to the same matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The Clerk will report Senate amendments numbered 60 and 61.

The Clerk read as follows:

Amendment No. 60: Page 48, line 19, strike out all of line 19 and the balance of page 48 and strike out lines 1 to 9, inclusive, on page 49.

Amendment No. 61: Page 49, line 10, strike out "305" and insert "304."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House insist on its disagreement to the amendments of the Senate numbered 60 and 61.

Mr. HOBBS. Mr. Speaker, as a substitute I move that the House recede and concur in Senate amendment numbered 60 with an amendment, which I sent to the Clerk's desk.

Mr. TABER. Mr. Speaker, a motion to recede and concur with an amendment is not in order.

The SPEAKER. Will the gentleman state the reason?

Mr. TABER. That has been the ruling right along as I have understood it.

The SPEAKER. The motion has not been reported yet. The Clerk will report the motion.

Mr. TABER. I beg pardon.

The SPEAKER. The Clerk will report the motion offered by the gentleman from Alabama [Mr. HOBBS].

The Clerk read as follows:

Mr. HOBBS moves that the House recede and concur in the Senate amendment No. 60, with an amendment as follows: Substitute in lieu of the Kerr or committee amendment stricken by the Senate amendment No. 60, the following:

"SECTION 304

"1. It shall be unlawful for any person to be employed in any capacity, in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation is paid from funds authorized or appropriated by any act of Congress, who has engaged in activity subversive of the Government of the United States.

"2. It shall be unlawful for any person to be employed in any capacity, in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation is paid from funds authorized or appropriated by any act of Congress, who has been a member of or associated with any organization, any part of the aims or purposes of which is or has been subversive of the Government of the United States.

"3. It shall be unlawful for any person employed in any capacity, in any department or agency of the Government of the United States, created by or by virtue of an act of Congress, whose compensation or any part thereof is paid from funds authorized or appropriated by any act of Congress, to have membership in or association with any organization, any part of the aims or purposes of which is or has been subversive of the Government of the United States.

"4. Any person who may have been or may be employed in violation of section 1, 2, or 3 hereof shall be immediately removed from such employment, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay the salary or other compensation of any such person.

"5. Any person who is the head or acting head of personnel procurement for any department or agency of the Government of the United States created by or by virtue of an act of Congress, in which any person may have been employed in violation of section 1 or 2 hereof, or any other officer responsible for employment of any person in violation of section 1 or 2 hereof, or any officer who permits any employee to continue in employment in violation of section 3 hereof, if he knew, or by the exercise of reasonable diligence could have known of such violation of section 3 hereof, shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay the salary or other compensation of such officer.

"6. It shall be unlawful for any person to accept employment in any capacity in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation or any part thereof is paid from funds authorized or appropriated by any act of Congress, if he be ineligible therefor under sections 1 and 2 hereof.

"7. Any person who may have been employed in violation of sections 1 and 2 hereof and who shall remain in such employment after this act shall have become a law shall be guilty of a high crime and misdemeanor, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay his salary or other compensation.

"8. That the phrase 'subversive of the Government of the United States' as used in this act shall mean any act or conduct, membership, or association, or advocacy of principle or doctrine inimical to the Government of the United States or the tendency or which is to undermine any of the institutions or to distort any of the functions or to impede any of the projects or to lessen any of the efforts of the Government of the United States; whether any such subversive influence exerted or sought to be exerted be open or direct or subtle or indirect, whether such subversive activity may have been by spoken or written words or by acts or conduct, and whether or not such subversive activity produced subversive result.

"9. Any person who violates any of the foregoing provisions of this act, upon conviction thereof, shall be fined not more than \$1,000 or be imprisoned for not more than 2 years, or both."

Mr. CANNON of Missouri. Mr. Speaker, I make a point of order that the amendment is not in order; first, because it is legislation on an appropriation bill; and second, because it is not germane.

Mr. HOBBS. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. HOBBS. Mr. Speaker, this would take the place of and is offered as a substitute for the so-called Kerr or committee amendment. The Kerr or committee amendment, or any other legislation of that character, is made in order by the proviso of House Resolution 105 which was duly and legally adopted by this House. Therefore, if the House should decide to substitute this amendment, which has just been read, for and in lieu of the Kerr amendment it would be perfectly in order.

It is germane because it deals with the same identical subject matter which is covered by the Kerr amendment. The Kerr amendment deals, it is true, with only three named person, but this sets up the same standard, only more rigorous, which was sought to be set up in the Kerr amendment. It accomplishes the same purpose that the Kerr amendment was designed to cover as to three men, for all in the Government employ in departments or agencies created by or by virtue of an act of Congress whose salaries are paid from funds authorized or appropriated by Congress.

Therefore, Mr. Speaker, I maintain that on neither the ground of lack of germaneness, nor on the ground that it is legislation on an appropriation bill, is the point of order well taken. This simply seeks to do in a lawful way, within the province and power of the Congress, what the Kerr amendment seeks to do

in an unconstitutional and illegal way. This will really work the will of Congress, and it includes the same identical subject matter which the Kerr amendment seeks to cover. The Kerr amendment differs from this substitute, insofar as germaneness is concerned, only in this: It named three men as the objects of its legislative wrath, whereas my substitute sets up a standard by which the eligibility of all in an indicated class must be judged and requires that anyone whom the cap fits must wear it.

The modus operandi of the Kerr amendment is more direct than would be that under mine. But being direct is not a virtue if so we forget our oaths of office and assault the Constitution. Lynching is more direct than the execution of the death sentence imposed by the court in accordance with the verdict of the jury after a fair trial in a court of law. But none of us advocate lynching.

The SPEAKER. The Chair is ready to rule.

The gentleman from Missouri makes the point of order against the motion of the gentleman from Alabama, first, that it is legislation on an appropriation bill, and second, that it is not germane. The Chair in this instance will pass only on the germaneness of the motion of the gentleman from Alabama, because he does not deem it necessary to pass upon the other point.

The provision of the Senate amendment that the gentleman seeks to amend by his motion very definitely applies to three individuals and no more. The motion of the gentleman from Alabama would cover numberless people if numberless people came under the provisions of his motion. The language of the bill is specific. The language of the motion of the gentleman from Alabama is general. The Chair must, therefore, hold that the motion is not germane, and sustain the point of order.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record at this point and include therein quotations from the Supreme Court of the United States and other courts and from the Constitution, and to make certain citations of authority.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, every Member of the House agrees 110 percent with all the tributes that have been paid to the Kerr committee. Beginning with the chairman and going through, there is not a single man on that committee who has not the love, respect, and admiration of this House. The same thing goes for the great Appropriations Committee, out of which this subcommittee was created.

No adverse criticism is due the Kerr committee, either because of the method employed in the conduct of the hearings held or of the conclusions reached in the reports they have made. These reports show judicial poise, fairness, and a sense of high responsibility in handling a delicate problem. The members of the Kerr committee heard the evidence, including the testimony of each man under inves-

tigation. They had the opportunity of observing the demeanor of each one of the accused. Their report to the House that Messrs. Watson, Dodd, and Lovett are unfit at this time for employment in the Federal Government is entitled to great weight in any balanced thinking on the subject. In my judgment the conclusions reached and reported are right.

THE ISSUE

But was that the issue presented by the amendment offered by the gentleman from North Carolina, Judge KERR—with the approval of the full Appropriations Committee—to the urgent deficiencies appropriation bill?

Certainly not.

The issue thus presented is whether or not the amendment offered to the urgent deficiencies appropriation bill should have been adopted. The amendment reads:

No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this act, or (2) which is now, or which is hereafter made, available under or pursuant to any other act, to any department, agency, or instrumentality of the United States, shall be used to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Jr., and Robert Morss Lovett: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to the date of the enactment of this act.

The sole and single question presented by this amendment was, Is such legislation within the power of Congress?

CREATION OF KERR COMMITTEE

House Resolution 105, adopted by the House on February 9, 1943, reads as follows:

Resolved, That the Committee on Appropriations, acting through a special subcommittee thereof appointed by the chairman of such committee for the purposes of this resolution, is authorized and directed to examine into any and all allegations or charges that certain persons in the employ of the several executive departments and other executive agencies are unfit to continue in such employment by reason of their present association or membership or past association or membership in or with organizations whose aims or purposes are or have been subversive to the Government of the United States. Such examination shall be pursued with the view of obtaining all available evidence bearing upon each particular case and reporting to the House the conclusions of the committee with respect to each such case in the light of the factual evidence obtained. Any legislation approved by the committee as a result of this resolution may be incorporated in any general or special appropriation measure emanating from such committee or may be offered as a committee amendment to any such measure notwithstanding the provisions of clause 2 of rule XXI.

For the purposes of this resolution, such committee or any subcommittee thereof is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses, and the production of such books or papers or documents or vouchers by subpoena or otherwise, and to take such testimony and records as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or subcommittee, or by any person designated by him, and shall be served by such person or persons

as the chairman or the committee or subcommittee may designate. The chairman of the committee or subcommittee, or any member thereof, may administer oaths to witnesses.

On February 5, 1943, the gentleman from Florida [Mr. HENDRICKS] offered the following amendment to the Treasury Department appropriation bill:

Page 12, line 22, after the word "Treasury", strike out the period and insert a colon and the following: "*Provided further*, That no part of any appropriation contained in this act shall be used to pay the compensation of William Pickens, Frederick L. Schuman, Goodwin B. Watson, William E. Dodd, Jr., Paul R. Porter, John Herling, Paul F. Brissenden, David J. Saposs, Maurice Parmelee, Harold Loeb, Sam Schmerler, Emil Jack Lever, David Lasser, Tom Tippet, Henry C. Alsberg, David Karr, Guiseppi Facci, David Wahl, Hugh Miller, Walter Gelhorn, Karl Borders, Jack Fahy, Nathaniel Weyl, Robert Morss Lovett, Merle Vincent, Alice Barrows, Arthur F. Goldschmidt, Marcus I. Goldman, Leonard Emil Mins, Henry T. Hunt, Mary McLeod Bethune, Harry C. Lambertson, T. A. Bisson, Katherine Kellock, Jay Deiss, Milton V. Freeman, George Slafl, A. C. Shire, and Edward Scheunemann."

On the same day, after the defeat of the amendment just quoted, the gentleman from Florida [Mr. HENDRICKS] offered another amendment as follows:

On page 12, line 22, after the word "Treasury", strike out the period, insert a colon and the following: "*Provided further*, That no part of any appropriation contained in this act shall be used to pay the compensation of William Pickens."

It will be noted that both the Kerr and the two Hendricks amendments propose to act in exactly the same way to accomplish the removal of those named in them, respectively, from the Government service. Of course, the Hendricks amendments were applicable only to the money appropriated in the Treasury Department bill, while the Kerr amendment was applicable not only to the then pending bill but also to any future appropriation bill. Then, too, there is a proviso in the Kerr amendment which is not in the Hendricks amendments. But the essential procedure of removal is the same in each—named officers or employees in the executive branch of our Government were to be denied payment of their salaries by the legislative branch of our Government.

When, on February 5, 1943, we were considering the first Hendricks amendment, the distinguished gentleman from Georgia, Judge TARVER, called the proposed procedure "legislative lynching." See page 687 of the CONGRESSIONAL RECORD.

It is true that he predicted his characterization upon the qualification:

At the same time I do not want to participate in any legislative lynching of men who have simply been charged with communistic affiliations without the submission of adequate proof to sustain the charges.

But many of us thought then, and think now, that his characterization of the modus operandi of the Hendricks amendment was perfectly apt, no matter how much proof could be made before a legislative committee when the Constitution requires a trial in court before punishment may be inflicted. Many of us also were then and now of opinion that such a procedure was an unconsti-

tutional intrusion into the exclusive province of the executive branch of our Government, and an attempt to usurp its prerogative of removal of its officers and employees.

In somewhat similar vein were the remarks of the distinguished minority leader, Mr. MARTIN of Massachusetts, speaking on the resolution to create the Kerr committee:

Let us give Pickens his day in court. That does not mean this House is to be shaken from its determination to eliminate from the Government pay roll all who are joining in attacking the American system of government.

The bureaucrats will never do the job; they dare not; Congress can and will. But let us do it in the orderly way, the just, fair way, and the American way. (See page 775 of the CONGRESSIONAL RECORD of February 9, 1943.)

On May 18, 1943, as reported on page 4651 of the CONGRESSIONAL RECORD, the distinguished gentleman from Missouri, Hon. CLARENCE CANNON, chairman of our great Appropriations Committee, spoke thus of the second Hendricks amendment:

Mr. Chairman, the committee will recall that in February, during consideration of an appropriation bill, a situation arose on the floor in which the House—almost by concert and with practical unanimity—proposed to summarily arraign, try, condemn, and execute, without benefit of clergy or legal process, certain Federal employees charged with subversive activities.

Those charged were to be given no opportunity to be heard. They were to be tried without notice on hearsay and rumor and by what practically amounted to mob action.

In that crisis, by agreement and direction of the leadership on both sides of the aisle and both ranking members of the committee in charge of the bill, I submitted to the House a resolution providing for the appointment of a subcommittee to investigate the charges, hear testimony, give accused opportunity to be heard, and thereupon, in due time, to bring the result of its deliberation before the House.

It was exactly this mode of procedure in the Hendricks amendments that caused many of us to vote against it. We believed that the creation of the Kerr committee for the full investigation of each case and requiring a report to the House with respect to each such case might result in the preparation by the committee of legislation within our power and province, which would accomplish the result desired by an overwhelming majority of the membership of the House, to wit, a separation from the Government service of those found to be unfit to continue in such employment by reason of their present or past association with or membership in organizations whose aims and purposes are or have been subversive of the Government of the United States.

Many of us hoped that the study of this entire problem by the Kerr committee would cause it to sponsor legislation within the power of Congress to enact, which would accomplish the desired end with reference to every Government officer or employee guilty of subversive activity or affiliation.

But the legislation proposed by the Kerr committee with the approval of

the full Appropriations Committee is just as subject to constitutional objections as was the legislation proposed in the Hendricks amendments.

Does the fact that in February the gentleman from Florida [Mr. HENDRICKS] offered the amendments while in May the gentleman from North Carolina, Judge KERR, offered one proposing essentially the same action, render the action any the less objectionable?

Does the change of the legislative committee sponsoring the charges change the Constitution?

Many of us thought the big idea was to do the job legally—within our power and province.

EFFECTIVE CONSTITUTIONAL LEGISLATION POSSIBLE

Let no one say that legislation that would accomplish the desired purpose and within the power of Congress to enact, cannot be drawn. Congress has a perfect right, for instance, to fix by law the standard by which personnel procurement shall be governed and provide that no money appropriated by Congress shall be used to pay the salary of any person who does not square with that standard. Such legislation could also constitutionally provide that the head of every department or agency be held responsible for any employment not in conformity with the congressional standard, and that no money appropriated by Congress should be used to pay the salary of any such head of a department or agency who should fail to discharge his full responsibility in this respect. And in conjunction with such legislation, Congress could have submitted to the head of each department or agency of government the reports of the Kerr committee, as well as the reports of the Dies committee and of the Federal Bureau of Investigation.

Such legislation would be based upon the fundamental principle that Congress can regulate "the hiring and firing" in whatever agencies or departments of government it has created or may create—*Myers v. U. S.* (272 U. S. 52, 161); *U. S. v. Perkins* (116 U. S. 483) excerpts quoted *infra*.

Such legislation would not be a usurpation of the power of appointment or removal, which are vested by the Constitution in the executive branch of our Government. Neither would it be within the condemnation of the constitutional prohibition against bills of attainder.

My suggestion of such a substitute for the Kerr amendment is as follows:

SECTION 304

1. It shall be unlawful for any person to be employed in any capacity, in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation is paid from funds authorized or appropriated by any act of Congress, who has engaged in activity subversive of the Government of the United States.

2. It shall be unlawful for any person to be employed in any capacity, in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation is paid from funds authorized or appropriated by an act of Congress, who has been a member of or associated with any organization, any part of the aims or purposes of which is or

has been subversive of the Government of the United States.

3. It shall be unlawful for any person employed in any capacity, in any department or agency of the Government of the United States, created by or by virtue of an act of Congress, whose compensation or any part thereof is paid from funds authorized or appropriated by any act of Congress, to have membership in or association with any organization, any part of the aims or purposes of which is or has been subversive of the Government of the United States.

4. Any person who may have been or may be employed in violation of sections 1, 2, or 3 hereof shall be immediately removed from such employment, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay the salary or other compensation of any such person.

5. Any person who is the head or acting head of personnel procurement for any department or agency of the Government of the United States, created by or by virtue of an act of Congress, in which any person may have been employed in violation of sections 1 or 2 hereof, or any other officer responsible for employment of any person in violation of sections 1 or 2 hereof, or any officer who permits any employee to continue in employment in violation of section 3 hereof, if he knew, or by the exercise of reasonable diligence could have known of such violation of section 3 hereof, shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay the salary or other compensation of such officer.

6. It shall be unlawful for any person to accept employment in any capacity in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation or any part thereof is paid from funds authorized or appropriated by any act of Congress, if he be ineligible therefor under sections 1 and 2 hereof.

7. Any person who may have been employed in violation of sections 1 and 2 hereof and who shall remain in such employment after this act shall have become a law shall be guilty of a high crime and misdemeanor, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay his salary or other compensation.

8. That the phrase "subversive of the Government of the United States" as used in this act shall mean any act or conduct, membership or association, or advocacy of principle or doctrine inimical to the Government of the United States or the tendency of which is to undermine any of the institutions or to distort any of the functions or to impede any of the projects or to lessen any of the efforts of the Government of the United States; whether any such subversive influence exerted or sought to be exerted be open or direct or subtle or indirect, whether such subversive activity may have been by spoken or written words or by acts or conduct, and whether or not such subversive activity produced subversive result.

9. Any person who violates any of the foregoing provisions of this act, upon conviction thereof, shall be fined not more than \$1,000 or be imprisoned for not more than 2 years, or both.

If it be thought that such legislation would not be drastic enough, we could, of course, abolish any department or agency that we created, and, in reconstituting it, we could prescribe the standards for employment and removal of officers and employees.

A BILL OF ATTAINDER

If the Kerr amendment is a bill of "pains and penalties" within the mean-

ing of the Constitution prohibiting bills of attainder, then, under our oaths of office binding us to uphold the Constitution, we must reject it. That the Kerr amendment is a bill of "pains and penalties" within the meaning of the constitutional prohibition "No bill of attainder * * * shall be passed," article I, section 9, is clear.

A bill of attainder is a legislative act which inflicts punishment without a judicial trial. If the punishment be less than death, it is a bill of pains and penalties. As the term "bill of attainder" is used in the Federal Constitution, it includes both bills of attainder particularly, and bills of pains and penalties (*Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 18 L. Ed. 356); *Drehman v. Stifle* (75 U. S. (8 Wall.) 595, 601, 19 L. Ed. 508); *Pierce v. Carskadon* (83 U. S. (16 Wall.) 234, 239, 21 L. Ed. 276)).

If, then, the Kerr amendment inflicts punishment, it is a bill of pains and penalties, since there has been no judicial trial. This is not to say that the legislative hearings given by the Kerr committee were not judicial in a sense, but this committee was certainly not a court, and nothing short of a trial by a court constitutes a judicial trial.

The only question open for discussion and decision, therefore, is, Would this amendment, if it should become law, inflict punishment?

Throughout this debate it was frankly admitted that this amendment is intended to and will, if enacted, effectively exclude Watson, Dodd, and Lovett from the Government service.

That is punishment.

Take the cases of *Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 320) and *Ex parte Garland* (71 U. S. (4 Wall.) 333, 337). These are State cases, not Federal. But the provisions of the Federal Constitution are almost identical as to State and Federal limitation of power. As to congressional power, the Constitution of the United States reads:

No bill of attainder or ex post facto law shall be passed (art. I, sec. 9).

As to State power, the Constitution of the United States reads:

No State shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts (art. I, sec. 10).

So the Cummings and Garland cases are perfectly in point as authorities in our consideration of the pending amendment, under the above quoted limitation upon congressional power.

In the Cummings case the defendant was a Roman Catholic priest who was indicted and convicted of the crime of teaching and preaching as a priest and minister of that denomination without first having taken the oath prescribed by the Constitution of the State of Missouri, and was sentenced to pay a fine of \$500 and to be committed to jail until said fine and costs of suit were paid. This prosecution was under the constitution of Missouri of 1865 which provided that no person shall be permitted to practice as an attorney or counselor at law nor be competent as a bishop, priest, deacon, minister, elder, or other clergyman of any religious persuasion, sect, or denomination, to teach, preach, or

solemnize marriages, unless such person shall have first taken, subscribed, and filed said oath—which oath required a statement that the affiant had never been in armed hostility to the United States or been in sympathy with rebellion or, except under overpowering compulsion, submitted to the authority or been in the service of the so-called Confederate States of America.

The Supreme Court of the United States in its decision in the *Cummings* case said:

The disabilities created by the Constitution of Missouri must be regarded as penalties—they constitute punishment. We do not agree with the counsel of Missouri that "to punish one is to deprive him of life, liberty, or property, and that to take from him anything less than these is no punishment at all." The learned counsel does not use these terms—life, liberty, and property—as comprehending every right known to the law. He does not include under liberty freedom from outrage on the feelings as well as restraints on the person. He does not include under property those estates which one may acquire in professions, though they are often the source of the highest emoluments and honors. The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact. Disqualification from office may be punishment, as in cases of conviction upon impeachment. Disqualification from the pursuits of a lawful avocation, or from positions of trust, or from the privilege of appearing in the courts, or acting as an executor, administrator, or guardian, may also, and often has been, imposed as punishment (*Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 18 L. ed. 356)).

In the *Garland* case the defendant was an attorney and counselor at law and was prosecuted under the same section of the Missouri Constitution of 1865 as was the defendant *Cummings* in his case.

The Supreme Court of the United States in the *Garland* case said:

And exclusion from any of the professions or any of the ordinary avocations of life for past conduct can be regarded in no other light than as punishment for such conduct. The exaction of the oath is the mode provided for ascertaining the parties upon whom the act is intended to operate, and instead of lessening, increases its objectionable character. All enactments of this kind partake of the nature of bills of pains and penalties and are subject to the constitutional inhibition against the passage of bills of attainder, under which general designation they are included (*Ex parte Garland* (71 U. S. (4 Wall.) 333, 337, 18 L. ed. 366)).

In the *Cummings* case the exclusion was from the priesthood. In the *Garland* case the exclusion was from the practice of law. In the cases now before us the exclusion is from the Government service. The decisions from which the above quotations have been taken are directly in point and condemn any such enactment as the Kerr amendment as a bill of pains and penalties subject to the constitutional inhibition against the passage of bills of attainder.

Therefore the Kerr amendment is, in my judgment, plainly violative of the constitutional prohibition "No bill of attainder * * * shall be passed." If this conclusion be sound, and I most respectfully submit and urge that it is, that

ends discussion—we need go no farther; for if any piece of legislation comes within the prohibition of any one part of the Constitution, it is as void as though it offended each and every provision.

THE KERR AMENDMENT VIOLATES "SEPARATION OF POWERS" PRINCIPLE

But the pending amendment not only violates the constitutional mandate against bills of attainder, but it also violates the principle—implicit throughout the Constitution—of separation of powers, and the explicit creation of a government composed of three separate but coordinate branches—legislative, executive, and judicial.

The doctrine of the "separation of powers" of the executive, legislative, and judicial branches of the Federal Government is fundamental in the American theory of constitutional government. One branch is not to encroach upon the other, except insofar as authorized by the Constitution. Essential functions of the legislature are not to be usurped by the executive nor by the judiciary. Similarly, the legislature is not to interfere with the other coordinate departments of the Government except where an intermingling of spheres of action is authorized or contemplated by the Constitution itself. (The *Federalist*, Nos. 47 to 51.)

The power to "fire" an employee of the executive branch of the Government belongs to the Executive exclusively. *Meyers v. United States* (272 U. S. 52). In the *Meyers* case the Supreme Court further held:

The power to remove inferior executive officers, like that to remove superior executive officers, is an incident of the power to appoint them, and is in its nature an executive power. The authority of Congress given by the excepting clause to vest the appointment of such inferior officers in the heads of departments carries with it authority incidentally to invest the heads of departments with power to remove.

The Supreme Court recognized in the case of *United States v. Perkins* (116 U. S. 483) that Congress, in committing the appointment of such inferior officers to the heads of departments, may prescribe incidental regulations controlling and restricting the latter in the exercise of the power of removal; but the Court never has held, nor reasonably could hold, that the excepting clause enables Congress to draw to itself, or to either branch of it, the power to remove or the right to participate in the exercise of that power. To do this would be to go beyond the words and implications of that clause and to infringe the constitutional principle of the separation of governmental powers.

Further quoting from the decision of the Supreme Court in the *Meyers* case:

Assuming then, the power of Congress to regulate removals as incidental to the exercise of its constitutional power to vest appointments of inferior officers in the heads of departments, certainly so long as Congress does not exercise that power, the power of removal must remain where the Constitution places it, with the President, as part of the Executive power.

When Congress abolished the Radio Commission and created in its stead the Federal Communications Commission—United States Code Annotated, title 47, section 154—it authorized the President by and with the advice and consent of the Senate, to appoint the seven Commissioners and gave to the Commission the power to appoint the employees of

the Commission subordinate to the Commissioners. Congress did not prescribe incidental regulations controlling and restricting the Commissioners in the exercise of the power of appointment or removal.

The exclusive right of the Executive to remove officers within the executive branch of the Government was reiterated in the case of *Morgan v. T. V. A.* (115 Fed. (2d) 990, certiorari denied, 61 Sup. Ct. Rep. 806).

The doctrine of separation of powers is reemphasized in the case of *Humphrey's Executor v. U. S.* (295 U. S. 602):

The fundamental necessity of maintaining each of the three general departments of government entirely free from the control or coercive influence, direct or indirect, of either of the others, has often been stressed and is hardly open to serious question. So much is implied in the very fact of the separation of the powers of these departments by the Constitution; and in the rule which recognizes their essential coequality. The sound application of a principle that makes one master in his own house precludes him from imposing his control in the house of another who is master there. James Wilson, one of the framers of the Constitution and a former Justice of this Court, said that the independence of each department required that its proceedings "should be free from the remotest influence, direct or indirect, of either of the other powers" (Andrews, the Works of James Wilson (1896), vol. 1, p. 367). And Mr. Justice Story in the first volume of his work on the Constitution, fourth edition, section 530, citing No. 48 of the *Federalist*, said that neither of the departments in reference to each other "ought to possess, directly or indirectly, an overruling influence in the administration of their respective powers" (295 U. S. at pp. 629-630).

The argument on the purse strings premise is blasted by an opinion of former Attorney General Mitchell, as follows:

Congress holds the purse strings, and it may grant or withhold appropriations as it chooses, and when making an appropriation may direct the purposes to which the appropriation shall be devoted and impose conditions in respect to its use, provided always that the conditions do not require operation of the Government in a way forbidden by the Constitution. Congress may not, by conditions attached to appropriations, provide for a discharge of the functions of government in a manner not authorized by the Constitution. If such a practice were permissible, Congress could subvert the Constitution. It might make appropriations on condition that the executive department abrogate its functions. It might, for example, appropriate money for the War Department on condition that the direction of military operations should be conducted by some person designated by the Congress, thus requiring the President to abdicate his functions as Commander in Chief (37 Op. Atty. Gen. 56, 61 (1933)).

Supporters say with twinkling eyes and a smile, "Yes, but this is not firing; this is merely denying the money to pay his salary. We do not say he cannot work for the Government; we simply say no Government money can be used to pay him."

Specious. Sophistry. What of the law we passed that no one can work for nothing?

The more serious-minded supporters add: "Seriously, though, Congress has

the power to abolish the whole outfit, including Watson, so, if we were to do that, we'd be getting him just the same."

The answer to this is also obvious. Granting that Congress might abolish the Federal Communications Commission, and that if that were done, that would get Watson, that is not what is being done. Maybe the Federal Communications Commission should be abolished. Congress has the power, undoubtedly, to abolish it; why not act within our power and do so? I challenge any and all of you who think that should be done, because of the employment of Watson and Dodd, or for any other reason, do it. But do not forget your oath of office to uphold the Constitution and trample it under contemptuous feet by passing this bill of attainder which intrudes into the inviolable province of the Executive.

Who made it possible to employ Watson and Dodd? Congress did. We granted the Commissioners the power to appoint whomsoever they might please. The only restriction we have ever placed upon this grant of power is the requirement that no one who advocates, or who is a member of an organization that advocates, the overthrow of our Government by force or violence, shall be paid. We so wrote the law. Under that single restriction these men were employed. No contention has been made that they, or either of them, come within that condemnation. After they were employed, we, very wisely, changed the criterion. The special subcommittee constituted to investigate and report to the House how Government employees squared with the new criterion, has made two reports which show judicial poise and careful analysis. The gentlemen who compose this subcommittee are estimable, careful, honorable. Their reports are entitled to the full faith and credit their judgment and honesty of purpose demand. Those who have the power to hire and fire should give the most respectful and serious consideration to these and any further reports, and only the weightiest evidence contra should cause them to fail to follow the report that they are unfit for the present to continue in Government employ, and discharge all that that "cap fits." But ours is not the power to hire or fire, nor have we the right to go out of our own house into theirs and rule.

It is true that the resolution creating the Kerr committee provided:

Any legislation approved by the committee as a result of this resolution may be incorporated in any general or special appropriation measure emanating from such committee or may be offered as a committee amendment to any such measure notwithstanding the provisions of clause 2 or rule XXI.

But, of course, this meant any legislation within the power of Congress to enact; that is, not in conflict with the Constitution.

We can abolish the Federal Communications Commission. We can prescribe incidental regulations to control or limit the appointing powers or the powers of removal we grant, but we cannot violate the Constitution by passing a bill of attainder, such as the pending amend-

ment, nor usurp the power of either separate and coordinate branch of our Government. The power of removal of officers or of employees in the executive branch of our Government is in the Chief Executive. Congress may remove its own but not those of the Executive.

What has been said as to Watson and Dodd applies for the most part and just as cogently to Lovett.

The fact that Congress adopted the method of removal now proposed in the case of David Lasser, neither changes the Constitution nor justifies the procedure. One wrong never justifies another.

The claim has been made that thousands of Communists were taken off the Government pay roll when the Federal Theater Project of the W. P. A. was abolished. But that was the abolition of a project, not the mere removal of employees. Congress may abolish any organization it creates or authorizes, and such abolition kills the jobs of the employees of the agency abolished. But that is in accord with the Constitution, not in violation of it.

Just as fiercely as we resent attempts to encroach upon our exclusive province, does the executive branch of our Government have the right to resent this encroachment attempted by us. Why cannot we of each separate, coordinate branch of our Government learn and practice the truth that the only road to the sunlit highlands of happiness and success is cooperation?

WHAT POWERS HAS CONGRESS?

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The provision—

All legislative powers herein granted shall be vested in a Congress—

Means that Congress—

within the limits of its powers and observing the restrictions imposed by the Constitution may, in its discretion, enact any statute appropriate to accomplish the objects for which the National Government was established (*Burton v. United States*, 202 U. S. 344, 367 (1906)).

The only legislative powers vested in Congress are those "herein granted."

Whenever, therefore, a question arises concerning the constitutionality of a particular power, the first question is whether the power be expressed in the Constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an express power and necessary to its execution. If it be, then it may be exercised by Congress. If not, Congress cannot exercise it. (Justice Story, Commentaries on the Constitution, sec. 1243, quoted with approval in *United States v. Harris*, 106 U. S. 629, 636 (1883).)

The Government of the United States is one of delegated, limited, and enumerated powers. Therefore, every valid act of Congress must find in the Constitution some warrant for its passage. This is apparent by reference to certain provisions of the Constitution, for example, (a) article I, section 1, that all legislative powers granted by the Constitution shall be vested in the Congress of the

United States; (b) article I, section 8, which enumerates the powers granted to Congress, and concludes the enumeration with a grant of power—

To make all laws which shall be necessary and proper to carry into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

And (c) the tenth amendment which declares that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. (*Martin v. Hunter's Lessee*, 1 Wheat. 304 (1816); *McCulloch v. Maryland*, 4 Wheat. 316 (1819); *Gibbons v. Ogden*, 9 Wheat. 1 (1824); *United States v. Harris*, 106 U. S. 629, 635 (1883)).

In the Constitution are provisions in separate articles for the three great departments of Government—legislative, executive, and judicial. But there is a significant difference in the grants of powers to those departments: The first article, treating of legislative powers, does not make a general grant of legislative power to Congress; it vests in Congress all legislative powers herein granted. The second article, on the other hand, vests the executive power in the President. Similarly, the third article states that the judicial power of the United States shall be vested in a Supreme Court and in such inferior courts as Congress may establish. From the language thus used in these three articles, it has become established that the entire executive and judicial power of the Nation are vested in the President and the Federal judiciary, while only those legislative powers granted by the Constitution may be exercised by Congress. "The proposition that there are legislative powers affecting the Nation as a whole which belong to, although not expressed in the grant of powers, is in direct conflict with the doctrine that this is a Government of enumerated powers." Congress has no inherent sovereign powers in the realm of domestic legislation (*Kansas v. Colorado*, 206 U. S. 46, 81 (1907)).

The powers of Congress in respect to investigation and legislation are not absolutely identical, but the power of investigation is the wider and extends to matters on which Congress could not constitutionally legislate directly, if they are reasonably calculated to afford information useful and material in the framing of constitutional legislation—*Interstate Commerce Commission v. Harriman* (157 Fed. 432 (1908)), order modified in *Harriman v. Interstate Commerce Commission* (211 U. S. 407 (1908)); *Kilbourn v. Thompson* (103 U. S. 168 (1881)).

No power of appointment to office except within itself is granted Congress by the Constitution; nor is there granted, nor implied, any power of removal from office except within the legislative branch of our Government; plus the power of impeachment.

In short, the power of Congress may be summarized thus: To make the law under and in accordance with the Constitution.

WHAT POWERS HAS THE EXECUTIVE?

The Executive power shall be vested in a President of the United States of America (art. II, sec. 1).

The executive power—all of it. Not all powers granted in the Constitution, as the Constitution limits the powers of Congress; but all executive power—the whole of it.

But in addition to this all-inclusive grant of the whole of executive power, the Constitution expressly grants to the executive department of our Government the exclusive power of appointment of all its officers, superior and inferior.

And, of course, the power of removal is but an incident of the power to appoint, and is a part of it.

In *Myers* against United States the Court had before it the question of the executive power of removal, and since the Constitution is silent on the subject—with the exception of removal upon impeachment—it necessarily had to consider the extent of the executive power in general. It was therefore brought to examine clause 1 of section 1 of article II of the Constitution. The Court stated:

Our conclusion on the merits * * * is that article II grants to the President the executive power of the Government, i. e., the general administrative control of those executing the laws, including the power of appointment and removal of executive officers—a conclusion confirmed by his obligation to take care that the laws be faithfully executed (272 U. S. 52, 163 (1926)).

He shall have power, by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments (art. II, sec. 2).

The word "inferior" is not here used in the sense of petty or unimportant, but it means subordinate or inferior to those officers in whom respectively the power of appointment may be vested—the President, the courts of law, and the heads of departments—*Collin's Case* (14 Ct. Cl. 568 (1878)); *United States v. Germaine* (99 U. S. 508, 510 (1879)).

Further, while the power of appointment to office is essentially an executive function, Congress has power to prescribe conditions to the complete investiture of an office; and qualifications for office, provided scope is left for the judgment and will of the appointing authority. And it may control appointments through the control of appropriations for salaries. This control may take effect in the refusal of appropriations; or it may create a liability for services antedating issue of commission, and allow back pay for any cause which Congress shall deem sufficient—*United States v. LeBaron* (19 How. 73, 78 (1856)), filing of bond and taking oaths of office; 13 Opinion Attorney General 516, 524 (1871); *In re Miller*, 5 Mackey (D. C.) 507 (1887), writ of error dismissed (140 U. S. 690 (1891)), upholding the civil service

laws; see *Foot v. United States* (23 Ct. Cls. 443 (1888)); 7 Opinion Attorney General 215 (1855); *Bennett v. United States* (19 Ct. Cls. 379 (1884)).

When Congress by law vests the appointment of inferior officers in the heads of departments, it may limit and restrict the power of removal as it deems best for the public interest. The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of Congress, and by such legislation he must be governed, not only in making appointments, but in all that is incident thereto—*United States v. Perkins* (116 U. S. 483 (1886)), involving a cadet engineer in the Navy, appointed under statute by the Secretary of the Navy. The case specifically left undecided the question whether or not Congress could constitutionally restrict the power of removal of officers appointed by the President with the consent of the Senate, page 484. See also *Eberlein v. United States* (257 U. S. 82 (1921)).

In *Myers* against United States the specific question was raised, whether a postmaster of the first class, appointed with the consent of the Senate under a statute—19 Statutes 80, section 6—which provided that such postmasters "shall be appointed and may be removed by the President with the advice and consent of the Senate, and shall hold their offices for 4 years unless sooner removed or suspended according to law" could constitutionally be removed before the expiration of 4 years by the President alone. And it was held that he could, that the restrictions and removals in the act of 1876 were unconstitutional, and—

That article II excludes the exercise of legislative power by Congress to provide for appointments and removals, except only as granted therein to Congress in the matter of inferior officers; that Congress is only given power to provide for appointments and removals of inferior officers after it has vested, and on condition that it does vest, their appointment in other authority than the President with the Senate's consent; that the provisions of the second section of article II, which blend action by the legislative branch, or by part of it, in the work of the executive, are limitations to be strictly construed and not to be extended by implication; that the President's power of removal is further established as an incident to his specifically enumerated function of appointment by and with the advice of the Senate, but that such incident does not by implication extend to removals; the Senate's power of checking appointments; and finally, that to hold otherwise would make it impossible for the President, in case of political or other differences with the Senate or Congress, to take care that the laws be faithfully executed (272 U. S. 52, 164 (1926)).

The authority of Congress to condition the President's power of removal by fixing a definite term and restricting removal except for cause depends upon the character of the office. Where an office is predominantly quasi-judicial and quasi-legislative rather than executive, the President has no constitutional power to remove for reasons other than those specified by law. So held, that the President had no power to remove without cause a Federal Trade Commissioner, when the act establishing the Commission (38 Stat. 717) provides for removals for inefficiency, neglect of duty, or malfeasance only (*Humphrey v. United States* (295 U. S.

602 (1935)); generally the power of the executive branch is to execute the law.)

WHAT POWERS HAS THE JUDICIAL?

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish—article III, section 1.

It is the duty of the courts only to judge. It is, emphatically, the province and duty of the judicial department, to say what the law is. Those who apply the rule to particular cases must of necessity expound and interpret that rule—*Chisholm v. Georgia*, 2 Dall. 419, 433 (1793); *Marbury v. Madison*, 1 Cr. 137, 177 (1803); *Ex parte McCordle*, 7 Wall. 506, 514 (1869); *Cohen v. Virginia*, 6 Wheat. 264, 447 (1821).

Generally: To declare the meaning of the law.

JUDGE KERR'S AUTHORITIES

In spite of the fact that when the Kerr amendment was adopted by the House, the time allowed for debate of that issue—2 hours—was under the exclusive control of proponents, who gave only 10 of the 120 minutes to those of the opposition for actual utterance on the floor, and although among the able supporters of the amendment were some of the best lawyers in the membership of this body, there were only four citations of authority made by the proponents, and not one of these four was in point—*Hart v. U. S.* (16 Court of Claims Reports 484; 118 U. S. 62).

The first one of these four citations is the *Hart* case, cited supra. Judge Kerr quotes therefrom as follows:

The absolute control of the moneys of the United States is in Congress and Congress is responsible for its exercise of this great power to indicate a class of persons who shall not be paid out of general appropriations, but shall come to Congress for relief.

It will be noted at a glance that even if this case were an authority on the subject here under consideration—the removal of a Federal employee by denying the use of money carried in an appropriation bill for the payment of his salary, which it is not, it still does not hold that named employees may be denied payment of their salaries by legislative mandate. Of course, the part that the gentleman from North Carolina, Judge KERR quoted is the most favorable part of this decision toward his contention. But even this merely says that the money power of Congress may be used "to indicate a class of persons who shall not be paid out of general appropriations." What we are doing here is not indicating a class of persons, but naming individuals. We have a right to set up a standard for employees of any agency of government we create and to require that no employee ineligible under that standard may be employed or retained in employment; such legislation is entirely proper; it indicates a class of persons who are to be ineligible for employment and anyone whom that cap fits must wear it. But this leaves the power of removal in the executive branch of our Government. It simply requires the Executive power of removal to be exercised upon any member of the class indicated. It

does not substitute action by Congress for action by the Executive authority.

But the Hart case was not an employee case. It was a suit filed in the Court of Claims by one who had sold flour, corn, and forage to the Federal Government for the use of its army during the War Between the States. Congress had passed a law saying that no one who was a sympathizer with the Confederacy could be paid for any property he might have sold to the Federal Government on credit. This was the class indicated by Congress, no member of which should be paid out of appropriations made by Congress. The Court of Claims held in the Hart case that the seller was a sympathizer with the Confederacy and therefore came within the indicated class of those who could not be paid out of Federal appropriations, and the Supreme Court of the United States affirmed that decision.

So the Hart case, far from being an authority in point and in favor of Judge KERR's position, is really contra.

OPINIONS OF THE ATTORNEYS GENERAL, VOLUME 7, PAGE 215

No such language as that quoted by the gentleman from North Carolina, Judge KERR, appears on that page in that volume. It is, of course, to be assumed that the gentleman from North Carolina, Judge KERR, simply made a mistake in his citation and that he was quoting from some other opinion of an attorney general.

The opinion cited by Judge Kerr relates to "ambassadors and other public ministers of the United States." It has nothing to do with inferior officers of the United States, appointed by Department heads under specific authority of Congress. This opinion points out that as the office of public minister is in fact a constitutional, not a statutory one, the President might appoint without the act of Congress and in virtue of the Constitution.

CRENshaw v. UNITED STATES (134 U. S. 99)

Crenshaw was appointed to the United States Naval Academy at Annapolis under and by virtue of an act of Congress. Before his graduation, a later Congress changed the law by repealing that part of the law under which Crenshaw was appointed, which provided that every appointee who graduated should be commissioned in the Navy and substituting a provision that only those graduates who attained a certain grade in their studies should be commissioned. Crenshaw did not make the grades entitling him to a commission under the second act of Congress.

The Crenshaw case holds that it is not within the power of one Congress to deprive its successor of the power of repealing an act creating a public office. This is sound, well-recognized law and has nothing whatever to do with cases like those of Watson, Dodd, and Lovett, who were appointed to the inferior offices they hold by the executive branch of the Government under authority granted by Congress and not repealed or changed by subsequent statute. Crenshaw was never inducted into his office by commission. At the time he accepted his appointment as a midshipman he was fully and indis-

putably chargeable with notice that the law under which he was appointed could be changed by any succeeding Congress. He accepted appointment as a midshipman, received the benefits of a splendid education at Government expense, and was given a certificate of graduation from the Naval Academy. But before being commissioned, the law was changed by a succeeding Congress so that he not having attained the grade which would have put him in the class indicated by the second act, he was not entitled to be commissioned. He brought suit for the salary he would have received had he been commissioned. The Court held that he had no property or contractual right which entitled him to a commission nor to the salary he would have received had he been commissioned.

SPEECH OF HON. JOHN RANDOLPH TUCKER

In 1879 in the debate in this House on the then pending Army appropriation bill, Hon. John Randolph Tucker, of Virginia, made an exceedingly able speech in which he demonstrated beyond question that the money power of the House of Commons in the British Parliament had been used to curb usurpation and oppression by the Crown. No one has ever questioned this historic fact.

But what has this to do with the question whether or not Congress has the power to punish Watson, Dodd, and Lovett without a court trial and if Congress has the constitutional right to usurp the power of removal which our Constitution vested as an incident of the express power of appointment in the executive branch of our Government?

It must be borne in mind that England has no constitution except its statutes. We have a written Constitution which is the supreme law of the land, and in and by which the powers of Congress are strictly limited. The issue in the debate in which the Honorable John Randolph Tucker participated was whether or not, in an appropriation bill for the maintenance of the Army of the United States, Congress had the power to provide that the Army should not be used to regulate elections. Bear in mind that the Constitution of the United States grants no power to the President to raise or maintain troops. Congress has power "to raise and support armies. (Constitution of the United States, art. I, sec. 8, clause 12.)

The President of the United States has no such power, the King of England has.

Furthermore, Congress has power "to make rules for the government and regulation of the land and naval forces"—Constitution of the United States, article I, section 8, clause 14. The King of England has this power, the President of the United States has not. The King of England is Generalissimo. The President of the United States is Commander in Chief of the land and naval forces—Constitution of the United States, article II, section 2. Mr. Tucker says on this point:

It thus appears the power of the President is far less than that of the King, and of Congress far greater than that of the Parliament as to the Army. But Congress and Parliament have the power of the purse

alike. Now if in England Parliament can limit and has limited the use of troops by the King, and notably in the case of their use and presence at elections, is it revolutionary or against the letter or spirit of the Constitution for us to condemn the supply for support of the Army upon their non-use at elections? If it be, then is the case of American citizens as to liberal and free elections less favorable than that of the subjects of the British monarchy?

Mr. Tucker further aptly says:

The President is ex officio no more as Commander in Chief than the General in Chief of the Army, * * * he is the executive director of the troops in military operations. But how, where, and when he and they are to be used is within the power of Congress to direct, not in his.

CONCLUSION

So it is perfectly apparent that not one of the four authorities cited by supporters of the Kerr amendment supports their contention.

This leaves the case for the Kerr amendment unsupported by any authority whatsoever save the ipse dixit of its proponents. And this is based, I respectfully submit, upon a mistaken conception that the power of the purse is omnipotent and can override the Constitution of the United States.

For the opposition, however, not only the Constitution speaks clearly and forcibly, but so also does the Supreme Court of the United States. How anyone can read the Constitution and the cases of *Cummings v. Missouri* (71 U. S. (4 Wall.) 277), *Ex parte Garland* (71 U. S. (4 Wall.) 333), *Myers v. U. S.* (272 U. S. 52), *U. S. v. Perkins* (116 U. S. 483), *Humphrey's Executor v. U. S.* (295 U. S. 602), and *Morgan v. T. V. A.* (115 Fed. (2d) 990), in which certiorari was denied in 61 Supreme Court Report 806, and still contend that Congress has the right to pass the Kerr amendment, is beyond my comprehension.

Mr. CANNON of Missouri. Mr. Speaker, this question has been exhaustively debated in the House on a number of occasions, so thoroughly discussed that nothing further could be added at this time.

In view of the lateness of the hour, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that all Members speaking be permitted to extend their own remarks on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TRAINING OF NURSES

Mr. MYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2664) to provide for the training of nurses for the armed forces, governmental and civilian hospitals, health agencies, and war industries, through grants to institu-

those human beasts had finished their dastardly deed they proclaimed that Lidice had been wiped off the face of the earth. But, Mr. President, the effect of those cruel acts has been just the opposite of what the leader of that murderous gang said it would be. Lidice lives in the hearts of all the civilized world. In Illinois, for instance, my home State, a little village has been named Lidice out of sympathy for the people who died at the hands of those vicious monsters.

Today there appears in the New York Times an editorial entitled "Not Extinguished." The editorial is highly illuminating and interesting, and I ask unanimous consent to have it printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

NOT EXTINGUISHED

A year ago this afternoon German troops began to gather along the roads leading into a little Bohemian village not far from Prague. Few persons outside of Bohemia had ever heard the name of this village, but it was dear to those who lived in it. On the previous day Reinhard Heydrich, who had earned the love and admiration of many Germans by killing a great multitude of helpless and innocent people, had been buried in the Invaliden Cemetery in Berlin. He had lingered a week in agony after two men, who were never captured and whose names were never known, had jumped on the running board of his car on the road from Berlin to Prague and fired two bullets into his spine—or perhaps threw a grenade which had the same effect. By the afternoon of June 10 the Nazis, by their own story, had killed 261 Czechs in revenge for Heydrich. They killed women. They killed authors and professors. But they were not satisfied. Shortly before 8 o'clock, a year ago tonight, armed men—it would be an insult to a stern but honorable profession to call them soldiers—began to move into the little Bohemian village.

That same evening (the exact sequence of events is not quite clear, but apparently the troops were at their work in the village at that time) the Berlin radio announced that arms, an illegal radio station, subversive printed material, and hoards of rationed commodities had been discovered. It then stated:

"After these facts had been ascertained all male adults of the town were shot, while the women were placed in a concentration camp, and the children were entrusted to appropriate educational institutions. The township was leveled to the ground and the name of the community extinguished. The inhabitants of Lidice, near Kladno; No. 483."

A year has gone by. There is no spot on earth where a free press exists that the name of this obscure little village is not known. It has become a part of every language. The poor, humble folk who died there are immortal. They are in every town in occupied Europe. They march with every army. They will gather on every road and behind every hedge, rock, and tree when the great Nazi retreat begins. If there is any wavering on any front, any faint cry of appeasement, it is they who will go silently forward with their bayonets, making sure of no compromise, no mercy for butchers. The armed men who were at Lidice, in Bohemia, on the evening of June 10, 1942, those who sent them there, those who committed similar crimes in other places, and those who ordered such crimes, will then know that the Berlin broadcast erred in one particular. The community of Lidice was not extinguished.

Mr. LUCAS. Mr. President, let me say in conclusion just one further word:

Out of the ashes of the holocaust we are now fighting throughout the world it is my prayer and my hope that villages like Lidice that have been overrun, whose people have been murdered and property completely destroyed, may be reconstructed and firmly and impregnably established in the future, for all time to come. It is my hope that valiant nations such as Czechoslovakia and other small nations that have been conquered by ruthless, totalitarian despots may once again take their rightful place in a civilized world where peace, amity, and good will shall reign forever.

THE CRITICAL CANNED-FOOD SITUATION

Mr. WILEY. Mr. President, at the beginning of the session today we heard the statement that the passage of the pending bill was the most important matter before the Senate, and that the Senate should promptly complete the consideration of the bill. I hesitate to trespass on the time of the Senate, but I desire to bring again to its attention the same subject on which I spoke yesterday. That is the importance of getting food into cans for our own people and for our armed forces. Mr. President, I hold in my hand a statement which came to my desk, and in which a gentleman from my State sums up his experience during the past week, after visiting various agencies and divisions in Washington. He says:

I give you a digest of the conversation. It is as follows:

"Question. Can you supply male help for our canning plant to preserve food?"

"Answer. No, no help for canning plants, only for the farmers."

"Question. Then, will you allow me to pay enough wages to get the help?"

"Answer. No, not for the canning plants. You can increase wages on the farms and in defense plants, but not in the canning plants."

Mr. President, I repeat what I said yesterday, that this Government must take action within the next few weeks, or else a great portion of the pea crop of the country will not be canned, and then will come the other crops—corn, cabbage, and so forth.

Let me read into the RECORD a letter which very graphically depicts a critical situation. It comes from Martin Meeter, of Union Grove, Wis.

JUNE 7, 1943.

HON. ALEXANDER WILEY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: Our canning plant is located at Union Grove, Wis., a village of less than 1,000 inhabitants.

We receive between six and seven thousand tons of vegetables for canning.

Since last winter we have tried desperately to obtain relief on the matter of wages and manpower as we realize that this rural district will not furnish enough help to preserve the crops in the canning plant this year.

Now it appears that the situation is so serious we will have to close up the plant.

The War Labor Board has refused our repeated requests for wage increases to meet current wage levels in that area. Defense plants in Racine are paying 90 cents per hour for common labor. This canning plant must pick up 40 or 50 men and 150 to 200 women during the canning season beginning the first of August on tomatoes.

We have been packing several hundred thousands cases of canned vegetables for the military and lend-lease and have commitments for this year.

A recent Government ruling permits an increase of 10 cents per hour above the wage being paid in the canning plant at the close of last year's packing season. This for common labor would equal 60 cents per hour in our plant. We know, of course, that no one in that area would work for 60 cents an hour in a canning plant, a temporary job, when he can obtain 90 cents per hour in a defense plant nearby.

Now on top of all this, Government is building a \$250,000 hemp plant in the same village. The construction company is about to begin this work and must complete this construction before October 1. They will use all the available common labor in the country and are offering to pay \$1.10 per hour.

Mr. Senator, this is about the last straw. We have tried to organize and are organizing a food army in this village, including some businessmen and many valiant patriotic women who will do all they can. But you can't run a canning plant such as this with an inexperienced help.

We have lost quite a few men who have gone into the service, others to farms as farmers have been permitted to pay higher wages, and to defense plants. Even at this time we have not enough help left to finish packing some canned sauerkraut on last year's Government orders. Then what will the situation be when perishable tomatoes arrive in August? I have contracted for a good many thousand tons of tomatoes and cabbage for kraut which is now being planted. What am I going to do with it?

We have worked on this matter for several months, hopefully thinking that the proper agencies in Washington would permit us to pay comparative wages or assist in some manner to get the necessary manpower. We have worked diligently with the United States Employment Service at Racine, who admitted to me a few days ago that they were all through—they can't do anything for us at such wage levels.

Through our canners' associations and in person we have appealed again and again for relief—the matter of adequate wages and manpower—but now all doors seem to be closed.

It seems we have to choose between two things: Either we pack the food and violate the law, or we obey the law and lose the food.

This is no idle threat. I cannot ask even those few men I have left to work for us at such inadequate wages when they can walk right out of the plant and get 30 to 40 cents per hour more. Everyone of them has a family to support.

If it was an ordinary business venture we would close up the plant, but this means food for our boys out there and for the Nation, and this must not be. But I see no alternative. What am I to do?

Yours very truly,

MARTIN MEETER,
MEETER'S, INC.,
Union Grove, Wis.

One man says:

I called my men together in the factory a few days ago. They are men with families, who have worked in the factory from 5 to 12 years, just like a family group. We call each other by our first names. Can you imagine what a pleasant task it was for me to explain I could do nothing more for them, that I knew every man in the group could walk out and get 30 cents per hour more across the street in a war plant, and 40 to 50 to 60 cents more by going into the hemp plant that the Government is putting up, putting \$250,000 of its own money into it.

The Government is stealing men away from food production, and is granting no relief. We must get help to the canners. Let me repeat what one man says:

If it were an ordinary business venture, we would close up the plant, but this means food for our boys out there and for the Nation.

Recently former President Hoover spoke on the subject of food. An editorial entitled "Program for Food," was published in last evening's Washington Star. The editorial comments on former President Hoover's statement. I ask that the editorial be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROGRAM FOR FOOD

Herbert Hoover, addressing the American Farm Bureau Federation in New York, issued a solemn warning that our food supply is decreasing while the demand for food, at the same time, is rising rapidly. The former President, who was Food Administrator for the United States during the last war and today is a keen student of the food problem, made a series of recommendations which deserve serious consideration.

The program suggested by Mr. Hoover is designed to give this country its maximum production of food. This must be assured, not only to maintain the American people and to win the war, but to make it possible to provide food for millions of persons in the United Nations and other millions in countries that have been overrun by the Axis Powers. There can be no lasting peace without food.

Chief among the recommendations is that forty of fifty million more acres be planted in 1944 than in this year. Only by greatly increased planting will it be possible to produce more and more foodstuffs. During the period from 1932 to 1939 the administration, by its restrictive policies toward agriculture, reduced the acreage of 17 leading crops planted in this country by 47,000,000 acres. Farmers were paid not to produce. It is idle now to comment on the folly of the economy of scarcity. The thing to do is to get away from it—and never to return. These 17 crops constitute about 95 percent of the whole harvested area.

It seems incredible but it is nevertheless true, as Mr. Hoover pointed out, that after the passage of the Lease-Lend Act the Government undertook to increase food production but at the same time continued payments to farmers to restrict production. These restrictive payments were not removed until this spring. In some cases they still persist.

Mr. Hoover also includes in his recommendations a proposal that one agency, headed by one man, take over the whole administration of the food problem. At present nine agencies of the Government are telling the farmers, the food distributors, and wholesalers and retailers what to do about production, distribution, and prices. The result, in Mr. Hoover's opinion, is chaos.

In order to increase the farm-planting acreage, it will be necessary to have increased farm labor and more farm machinery. Declaring that the present price system is stifling farm production, Mr. Hoover proposed that the retail and wholesale price ceilings be done away with. Price fixing must begin as near the source of production as possible, and from there on regulations against profiteering must be placed upon the trades. Prices to the farmers must include floors as well as ceilings, and the prices must take into account labor and other costs. Such

a plan would be calculated really to stimulate production.

In 1942 we had bumper crops. This year the harvest is likely to be normal—which means that the actual production of food will be considerably below the crop we have just about eaten up. There is nothing that can be done to meet this situation immediately. The plantings for the following crop, however, will be of vast importance.

If the statistics for the crops of the last year are correct, then in the opinion of Mr. Hoover, some bureaucracy has strangled the flow of food from the farm to the housewife. This is the only explanation of reports that have come from all sections of the country showing scarcity of foods. And if this be true, the sooner the hand of bureaucracy is lifted the better.

Mr. WILEY. Mr. President, I ask that the Senate, and the majority and minority leaders give consideration to the matter of getting labor into the canning plants. I ask it not for the canners, but for my country. I ask it because if we do not, as was stated yesterday, the most valuable munition of the country, namely, food, will not be there when the armed forces need it and when the country needs it. The situation is so critical that I trust some action will be taken by the appropriate arm of Government to the end that these factories may get the necessary labor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2409) making appropriations for the legislative branch and for the judiciary for the fiscal year ending June 30, 1944, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. O'NEAL, Mr. HENDRICKS, Mr. GORE, Mr. KIRWAN, Mr. JOHNSON of Indiana, Mr. H. CARL ANDERSON, and Mr. FLOESER were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2753) making supplemental appropriations to carry out the provisions of an act to promote the defense of the United States, approved March 11, 1941, as amended, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON of Missouri, Mr. WOODRUM of Virginia, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. RABAUT, Mr. JOHNSON of Oklahoma, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTR were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 2795. A bill to amend the Budget and Accounting Act, 1921, to provide for the more efficient utilization and disposition of Government property other than land or buildings and facilities or fixtures appurtenant thereto, and for other purposes; and

H. J. Res. 134. Joint resolution to continue the temporary increases in postal rates on first-class matter, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 2664. An act to provide for the training of nurses for the armed forces, governmental and civilian hospitals, health agencies, and war industries, through grants to institutions providing such training, and for other purposes; and

H. J. Res. 133. Joint resolution to permit additional sales of wheat for feed.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred, as indicated:

H. R. 2795. A bill to amend the Budget and Accounting Act, 1921, to provide for the more efficient utilization and disposition of Government property other than land or buildings and facilities or fixtures appurtenant thereto, and for other purposes; to the Committee on Expenditures in the Executive Departments.

H. J. Res. 134. Joint resolution to continue the temporary increases in postal rates on first-class matter, and for other purposes; to the Committee on Finance.

URGENT DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 59.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58; and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$4,497,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lines 11, 12, and 13 of the matter inserted by said amendment strike out the proviso.

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"BITUMINOUS COAL DIVISION

"For the Bituminous Coal Division, fiscal year 1943, in carrying out the purposes of the Bituminous Coal Act of 1937, as amended (15 U. S. C. 828-849), as further amended by the Act of April 24, 1943 (Public Law 40), and as further amended, to be supplemental to and merged with the appropriation under this head in the Interior Department Appropriation Act, 1943, and to be available for the

same objects of expenditure, \$700,000, to continue available during the fiscal year 1944."

An' the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 8, 37, 41, 60, and 61.

KENNETH McKELLAR,
CARL HAYDEN,
MILLARD E. TYDINGS,
R. B. RUSSELL,
GERALD P. NYE,
H. C. LODGE, Jr.,

Managers on the part of the Senate.

CLARENCE CANNON,
LOUIS LUDLOW,
EMMET O'NEAL,
LOUIS C. RABAUT,
JED JOHNSON,
JOHN TABER,
R. B. WIGGLESWORTH,

Managers on the part of the House.

Mr. McKELLAR. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 8, 1943.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 8, 37, and 41 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 5 to said bill and concur therein with an amendment as follows:

In the last line of the matter inserted by said Senate engrossed amendment, after "Department" insert "or the Department of State or the Office of Strategic Services"; and

That the House insist upon its disagreement to the amendments of the Senate numbered 60 and 61 to said bill.

Mr. McKELLAR. Mr. President, it will be noted that the House amended Senate amendment No. 5 by adding to the exceptions the State Department and the Office of Strategic Services. I move that the Senate concur in the House amendment with an amendment, as follows:

At the end of the matter inserted by the House amendment, and before the period, insert "or the Federal Bureau of Investigation."

Undoubtedly that Bureau should be included as an exception.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. McKELLAR. Mr. President, I move that the Senate further insist on Senate amendment No. 5, as amended.

The motion was agreed to.

Mr. McKELLAR. I move that the Senate further insist on its amendment No. 60, which is the only amendment of substance now in disagreement.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I wish to explain to the Senate that Senate amendment No. 60, as to which there is disagreement, relates to the action of the House in providing that no part of the appropriation should be used to pay the salaries of Mr. Watson, Mr. Dodd, and Dr. Lovett. The Senate is familiar with this matter. The Senate struck out this provision in the House bill after the House had adopted it by an enormous majority, as I recall by a vote of 3 to 1, or 2 to 1, and since that time the House, by voice vote, has practically unanimously insisted upon retaining the provision. It is necessary for the Senate conferees to have a yea-and-nay vote so as to know what the will of the Senate is before we go into the conference. Therefore, in order to bring the question before the Senate, I ask for the yeas and nays on my motion. So far as I am concerned, I am not taking any position one way or the other, but I wish to have the judgment of the Senate. I move that the Senate further insist on its amendment No. 60, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. LUCAS. I am not certain that I thoroughly understand the explanation with respect to the last amendment to which the Senator from Tennessee referred. Will the Senator be so kind as to repeat his explanation of the amendment?

Mr. McKELLAR. I shall be very glad to do so.

The House adopted an amendment which became a part of the House bill providing that no part of the appropriation carried in this bill shall be used to pay the salaries of Goodwin B. Watson, William E. Dodd, Jr., and Robert Morss Lovett. That amendment was agreed to in the House by an overwhelming majority—about three to one. It came over to the Senate and the Senate committee struck it out. Following the recommendation of its committee, the Senate struck out the House provision, and the amendment went to conference. Since then the House has voted to insist upon its disagreement to the Senate amendment. As I recall, the vote was almost unanimous. Therefore I wish to get the sense of the Senate by a yea-and-nay vote so that the Senate conferees may know exactly how the Senate feels about it.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. SMITH. Did the Senate committee before striking out the House pro-

vision, investigate the facts as did the House?

Mr. McKELLAR. Yes; it investigated the facts. The conferees had additional facts which were not before the Senate committee. They were brought before the conference so that both sides were fully advised, and I believe every Senator is fully advised about the question. I wish to have the sense of the Senate on the question before the amendment again goes to conference.

Mr. LUCAS and Mr. OVERTON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield, and if so to whom?

Mr. McKELLAR. I yield first to the Senator from Illinois.

Mr. LUCAS. It is my understanding that when the Senate Appropriations Committee reported the bill there were no facts on this matter before the Appropriations Committee, but they were to ascertain what the facts really were when they got into conference.

Mr. McKELLAR. Oh, no. We had a great deal of testimony brought before the committee when the matter was before it. We had all the facts except some on which the House acted, which were regarded as being secret. But afterward, in the conference, those secret facts were brought before the conference committee.

Mr. LUCAS. Were those secret facts, which apparently no one can find out about, developed by the Kerr committee?

Mr. McKELLAR. Yes.

Mr. LUCAS. Why is it that the Senate, as a whole, may not know what those facts are?

Mr. McKELLAR. The evidence is very voluminous, and it would take quite a while to state it. I see no reason in the world why it should be secret.

Mr. LUCAS. I appreciate that, and I am not blaming the Senator from Tennessee.

Mr. McKELLAR. I understand.

Mr. LUCAS. It is a very peculiar and unusual case. Evidence was taken by the Kerr committee of the House of Representatives, against three individuals, and no one, with the exception of those who were members of the Kerr committee, and those who were members of the conference committee, can find out what the facts are with respect to these three men. To me, this is most significant.

Mr. McKELLAR. The evidence was very voluminous. It was undertaken to show before the committee that these three men were members of the Communist Party, and that one man was a member of several score organizations which were more or less subversive—I believe that is the word that is used—and there was much ado about it. Much of the testimony was from the three witnesses themselves. They were brought before that committee. We read their explanations. I think the Senator can easily understand what the nature of the testimony was. There was plenty of testimony adduced on all sides in order that the committee could make up its mind.

Mr. LUCAS. Mr. President, will the Senator further yield?

Mr. McKELLAR. I yield.

Mr. LUCAS. I wish to make a brief statement in conclusion. No Member of the Senate is more opposed to the subversive elements in this country than is the Senator from Illinois. However, I will not vote blindly to discharge three individuals from Government employment upon secret testimony which was developed by the Kerr committee of the House of Representatives, and about which the Senate knows nothing.

Apparently these men are being discharged from appointive positions because of what was developed before the Kerr committee, the Senate being denied the opportunity to peruse that evidence. To discharge the men under such circumstances is tantamount to convicting them as being Communists without a hearing or trial.

Mr. President, I say that this is a dangerous precedent for the Senate to establish, or even consider, and I shall not be a party to it. It does violence to fundamental principles of free government. If I had all the facts which were disclosed to the Kerr committee, and had an opportunity to analyze them, I might reach a different conclusion; but I do not intend blindly to vote to condemn individuals who are on the public pay roll at the present time, brand and classify them among those who seek by subversive measures to overthrow the Government, without clear and convincing evidence. That is what it means. I simply cannot do that.

Mr. McKELLAR. If I understand the Senator from Illinois, he will vote for the motion which I am now making to insist further on amendment numbered 60?

Mr. LUCAS. That is correct.

Mr. McKELLAR. Such action will be in accord with the desire of the Senator from Illinois.

Mr. OVERTON. Mr. President—

Mr. McKELLAR. I yield to the Senator from Louisiana.

Mr. OVERTON. Mr. President, before the vote is taken, I wish to make a statement as to my understanding of the case involving these three men. I am a member of the Appropriations Committee, and was a member of the subcommittee which considered this bill. When the bill came to the Senate from the House of Representatives it contained this provision barring the further employment of these three men. There was not a scintilla of evidence in the House hearings taken by the subcommittee in charge of this bill with reference to any one of the three men.

Mr. McKELLAR. That is entirely correct.

Mr. OVERTON. I took the position in the committee hearing, and I still take the position that we ought not to condemn any citizen of the United States without charges being preferred against him, giving him opportunity to appear and to be heard, and certainly without any evidence in support of the condemnation pronounced against him by the bill passed by the other House. My recollection is that not one of these three men appeared before our subcommittee,

but there were those who appeared in their defense.

Mr. McKELLAR. Notably, Secretary Ickes and a number of other gentlemen.

Mr. OVERTON. The only evidence we had was in exculpation of these individuals, and no one appeared before the subcommittee of the Senate making any charges of subversive influences against these men or charges of any character. Therefore the record is bare of any charges and bare of any evidence against any of them.

If they are, as has been suggested, Communists, if they belong to an organization that advocates the overthrow of the Government, we have in every legislation appropriation bill a provision under which each one of them can be brought to the bar of justice. I shall quote from the provision which appears in every appropriation act as the Senator from Tennessee well knows:

No part of any appropriation contained in this act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence—

That, let me say by way of inference, is merely prima facie evidence, and is put in there in order to protect the disbursing officer who pays those who are employed by the Government out of the appropriations contained in the appropriation acts.

Provided further, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Those are the pertinent parts of the provision which I wish to read to the Senate.

Mr. BYRD. Mr. President, may I ask the Senator a question?

Mr. OVERTON. I am very glad to yield to the Senator from Virginia.

Mr. BYRD. One of these men, Mr. Dodd, comes from Virginia. He is the son of a former Ambassador to Germany. Am I to understand that these three men were called before the committee to make statements?

Mr. OVERTON. None of them appeared before the House committee considering the appropriation bill in which they have been condemned, and none appeared before the Senate committee.

Mr. BYRD. Is there any evidence before the committee that they are members of communistic organizations?

Mr. OVERTON. There was none before the Senate committee.

Mr. McKELLAR. Mr. President, just a moment. I think Secretary Ickes testified that, so far as one of them was concerned—Dr. Lovett—that Dr. Lovett's principal difficulty in his mind was that he belonged to too many organizations, or something of that kind. That was the extent to which he admitted that he belonged to a number of these organizations.

Mr. BYRD. He said he belonged to communistic organizations?

Mr. McKELLAR. Organizations which were communistically inclined. It depends upon who has the say-so as to whether an organization is communistic.

Mr. BYRD. Did he say that Mr. Lovett belonged to organizations which were inclined to overthrow democracy in this country?

Mr. OVERTON. Mr. President, I listened to the testimony of Secretary Ickes, and he did make the statement that the trouble with the man was that he was a joiner; he would join anything that came along; but I do not think he pointed out any communistic organization with which he had been affiliated.

Mr. BYRD. If the Senator from Louisiana and the Senator from Tennessee, in whom I have the most supreme confidence, can say that any of these men are actual members of a Communist organization, I intend to support the movement to dismiss them from the Government service, if that is the only way to bring about their dismissal. Of course, I think the Department should dismiss them, but if the Department refuses to dismiss them, knowing them to be members of communistic organizations, while I disapprove of this method, I must say that I should vote to let the Congress dismiss them by means of the cancellation of the appropriation. What I want to know is, Is there any evidence which has been brought to the attention of the committee which is conclusive to the Senator from Louisiana that any of these men are members of communistic organizations?

Mr. OVERTON. It is my recollection that the testimony failed to show that any one of them was affiliated with any communistic organization. I may be in error.

Mr. BYRD. That was the charge made in the House of Representatives, was it not, when the matter was considered there?

Mr. OVERTON. It was not made before the Appropriations Committee handling this bill. I understand that there was an investigation made by the Kerr committee, and the Kerr committee made a report, but the evidence in support of the report has never been laid before either the House or the Senate. What are the facts according to the report, I do not know, and I doubt if any other Senator knows. I have never read it. According to my recollection, there was no evidence at all presented against any one of these three men that they were

affiliated with any communistic organization.

Mr. BYRD. Is it the opinion of the Senator from Tennessee and the Senator from Louisiana that none of these men are affiliated with or are members of any communistic organization?

Mr. OVERTON. If I may answer, I will say that it is my opinion that there is no evidence whatsoever to show that any of them was connected with any communistic organization. That is my recollection; I may be in error.

Mr. CLARK of Missouri. Mr. President, will the Senator from Tennessee yield so that I may ask a question of the Senator from Louisiana?

Mr. McKELLAR. I yield.

Mr. CLARK of Missouri. The Senator from Louisiana has already partly answered the question which I desired to ask him. It is a fact, is it not, that these men have been condemned so far as the action of one body is concerned, without any hearing whatever, except in star-chamber proceedings, the records of which are not available to the membership even of the Committee on Appropriations of the House or the Committee on Appropriations of the Senate, or to the ordinary mine-run Members of the Senate or House? In other words, we do not know on what basis the so-called Kerr committee arrived at its conclusion that these men were disqualified to hold office.

Mr. OVERTON. The Senator is correct, according to all the information I have.

Mr. CLARK of Missouri. I do not hold a brief for any of these men. It may be that they are not fit to hold office, but, so far as I am concerned, I would not convict at all in the absence of evidence which was conclusive to my mind that the men concerned were guilty. This is essentially a penal proceeding, a most extraordinary penal proceeding, whereby it is asked that the House of Representatives and the Senate of the United States, composing the Congress of the United States, pass judgment upon men, as I have said, in an essentially penal proceeding, certainly imposing moral obloquy upon them, without knowing what we are doing.

I do not know any of these men. I may say that some of the public activities of some of them are activities of which I have not approved, some of their expressed opinions are opinions of which I do not approve, but as to Dr. Lovett, I do know that his son was a gallant soldier in the Second Division in the World War, and was killed at the Battle of Belleau Wood. It is going to be very hard to make me believe that a man whose son gave his life for his country in the last war in a very gallant fighting division, is guilty of undertaking to tear down the Government of the United States. I certainly am not willing to reach any such opinion in the absence of specific evidence conclusive to my own mind.

It seems to me that it is a most extraordinary and reprehensible practice to condemn men who have never had a hearing in the open, on evidence about which we know nothing, or undertake to

shift the burden of proof to the shoulders of the Senator from Louisiana, the Senator from Tennessee, or any other respected Senator, trying to make them give a guaranty that these men have not been guilty. It seems to me the burden of proof is on someone to prove that they are not qualified, and if they are connected with any organization interested in tearing down the Government of the United States, that is adequately already taken care of in the law to which the Senator from Louisiana has referred.

Mr. OVERTON. I thoroughly agree with the observations made by the Senator from Missouri. As I understand the situation, these men are being condemned without any hearing, and without any evidence whatsoever, insofar as the committee is concerned.

There is no one who abhors communism more than I do.

Mr. CLARK of Missouri. I should like to associate myself with the Senator from Louisiana in that expression.

Mr. OVERTON. I abhor any organization which advocates the overthrow of the United States Government by force of arms, so much so, as the Senator from Missouri may recall, that I busied myself in preparing the very clause which I read, and, without much difficulty, got the committee of the Senate to adopt it in the first act in which it was adopted, and agreed to in conference, and it has been incorporated in every similar act since. If these men are Communists, under this clause they cannot be employed, they cannot be paid, and they are subject to trial and sentence before the courts of justice of the land.

Mr. CLARK of Missouri. But they are entitled to a day in court, which they are not being accorded under this procedure.

Mr. OVERTON. Certainly they are entitled to a day in court.

I thank the Senator from Tennessee for yielding.

Mr. McKELLAR. The Senator from Washington asked me to yield, and I am glad to yield.

Mr. BONE. Mr. President, it seems to me that this sort of procedure should be challenging to every lawyer in this body, and there are some very able lawyers in the Senate, and men who have served on the bench. I think every one of them must shrink at the contemplation of a proceeding which amounts to a bill of attainder, in the absence of any formal hearing, or the production of any proof which would be convincing and persuasive.

Like my colleague the Senator from Illinois [Mr. LUCAS]. I have not heard any of the testimony or evidence, and in the light of what the able Senator from Louisiana has said, it puts us in a peculiar light to sit here as a jury and approve what has been done. Gentlemen of the Senate, we constitute ourselves a jury, and in the absence of any facts at all being presented to us, we lawyers in this body would be placing ourselves in the position of doing a thing we would indict vigorously if a court in our own community should attempt to do it.

Mr. McKELLAR. Under those circumstances, Mr. President, the Senator should certainly vote for the motion I have made, which is to insist upon the Senate amendment striking out the House action.

Mr. BONE. In the light of what has been said within the past 10 minutes, I should be constrained to follow that course.

Mr. McKELLAR. Very well.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. MEAD. I wish to make a brief observation as a member of the subcommittee.

Mr. McNARY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. However important the consideration of this matter, the appropriation bill is more important. The matter now being considered relates to a bill which is in conference, and we are delaying consideration of a most important bill before the Senate, and if it is to take long, I shall ask that the Senate resume the consideration of the agricultural appropriation bill.

Mr. McKELLAR. I hope we can have a vote. I wish to answer a question asked by the Senator from Virginia [Mr. BYRD]. Secretary Ickes testified before the committee and said it was claimed there were a number of subversive organizations to which one of these men belonged, but that he did not think they were subversive. That was the testimony about the matter.

Mr. MEAD. Mr. President, will the Senator from Tennessee yield?

Mr. McKELLAR. I yield.

Mr. MEAD. We heard one of these witnesses a year ago—Dr. Watson, I believe. He testified that he was thoroughly American; that he belonged to no communistic organization; that some of the liberal groups he joined may have afterward been influenced by certain communistic members, but that he and his father were lifelong workers in the church, that they both were ministers of religion, that his mother was engaged in religious work throughout her life, that he was an ex-service man himself; and furthermore that he was recommended very highly by the chief of the governmental agency with which he is connected. I do not believe any of these three men has been given the opportunity he deserves, and I do not believe the Senate should take action in a high-handed affair such as this presents itself to be.

Mr. President, I am against anyone working for the Government who is in favor of overthrowing the Government, but I think the integrity of the Senate is such that we should do as the Senator from Missouri has said—give these men a chance before we take summary action.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee. The yeas and nays have been ordered.

Mr. LODGE. Mr. President—

Mr. McKELLAR. The Senator from Oregon thinks we should not take any

more time on this matter. I know the Senator from Massachusetts is in favor of the motion, which is to insist on the Senate amendment and thereby instruct the conferees. So may we not have a vote now?

Mr. LODGE. The Senator from Tennessee does not want to be the only Senator to talk; does he?

Mr. McKELLAR. I want the bill to go back to conference after the vote is taken, if the Senator understands what I mean.

Mr. LODGE. Mr. President, this is one of the most unusual requests I have heard since I have been a Member of the Senate. I have been in the Senate only 7 years, but I have never heard made a request quite like that of the Senator from Texas. So far as I recall, no one on the minority side has expressed himself on this matter, though a number of very able speeches, to be sure, have been made by Senators on the majority side. I do not believe the Senator from Tennessee wants to deprive the members of the minority of the opportunity to make their views plain on this question. In State legislatures there is the right to move the previous question, thereby shutting off all debate. That privilege does not exist in the Senate, and if it should ever be put into effect, I think it should apply to both sides.

Mr. McKELLAR. I wish to say to the Senator that there is no objection to a continuance of the debate. If I made such a suggestion, I withdraw it.

Mr. LODGE. As a conferee, and as a member of the subcommittee, I thought it was incumbent upon me to say one or two words about this matter. I try not to burden the Senate with long speeches. In fact, I do not think I have ever made a lengthy speech in the Senate.

In my study and scrutiny of this matter I did not find justification for the procedure followed by the House. No evidence was submitted to us that these men were particularly dangerous. I may add that no evidence was submitted to show that these men were particularly well qualified for the positions which they hold, and I certainly cannot share in some of the crocodile tears which are being shed in support of these men. But obviously it is an unsound procedure for Congress to attempt to discipline officials in the executive department of the Government who have been legally and properly appointed. That the Congress has the right, under the Constitution, to refuse to vote anyone's salary of course is not open to question, but I think it is unsound policy for Congress to follow such a procedure as that proposed by the other body. For that reason I shall vote "yea," to insist on the Senate's position.

Mr. BONE. Will the Chair state the motion so we may understand the effect of our votes?

The PRESIDING OFFICER (Mr. McFARLAND in the chair). The question is on the motion of the Senator from Tennessee [Mr. McKELLAR] that the Senate further insist on its amendment No. 60.

The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN voted in the affirmative when his name was called.

Mr. O'MAHONEY. Mr. President, I was detained from the Senate floor when the question before the Senate was explained. I should like to ask what evidence was presented to the House with respect to the individuals who are concerned?

Mr. McKELLAR. Mr. President, it would take a long time to make an explanation of that matter.

Mr. O'MAHONEY. Was there evidence presented to the House Committee on Appropriations?

Mr. McKELLAR. I do not know whether or not evidence was presented before the House committee. We had the so-called Kerr evidence, before the conferees. This motion is merely to uphold the position the Senate has taken, and to send the matter back to conference, and that the Senate insist on its amendment No. 60 striking out the provision in question. The yeas and nays have been ordered, and the clerk has begun calling the roll, and I believe one Senator has voted. I hope we can continue with the vote, and that the bill be not retarded.

Mr. O'MAHONEY. I have no desire to retard the bill.

Mr. McKELLAR. I know the Senator has not.

Mr. O'MAHONEY. But I did want to know the issue upon which I am asked to vote. I understand the Senator from Tennessee, as the acting chairman of the Appropriations Committee, has moved that the Senate stand by the action it has previously taken, and that the bill be sent back to conference.

Mr. McKELLAR. That is exactly correct.

The legislative clerk resumed and concluded the call of the roll.

Mr. HILL. I announce that the Senator from Kentucky [Mr. BARKLEY], the Senator from Virginia [Mr. GLASS], and the Senator from West Virginia [Mr. KILGORE] are absent from the Senate because of illness. I am advised that if present and voting, these Senators would vote "yea."

The Senator from California [Mr. DOWNEY] is absent on official business for the Committee on Military Affairs. I am advised that if present and voting, he would vote "yea."

The Senator from Missouri [Mr. TRUMAN] is absent on official business for the Special Committee to Investigate the National Defense Program. I am advised that if present and voting, he would vote "yea."

The Senator from Texas [Mr. CONNALLY], the Senator from Georgia [Mr. GEORGE], the Senator from South Carolina [Mr. SMITH], and the Senator from Massachusetts [Mr. WALSH] are detained in committee meetings. I am advised that if present and voting, the Senator from Georgia and the Senator from Massachusetts would vote "yea."

The Senator from Utah [Mr. THOMAS] is detained on business in one of the Government departments. I am advised that if present and voting, he would vote "yea."

The Senator from Idaho [Mr. CLARK], the Senator from South Carolina [Mr. MAYBANK], and the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS] are detained on important public business. I am advised that if present and voting, the Senator from Idaho, the Senator from South Carolina, and the Senators from Maryland would vote "yea."

The Senator from New York [Mr. WAGNER] is necessarily absent. I am advised that if present and voting he would vote "yea."

The Senator from Mississippi [Mr. EASTLAND] and the Senator from Texas [Mr. O'DANIEL] are detained on public business.

Mr. McNARY. The Senator from Kansas [Mr. REED] and the Senator from Nebraska [Mr. BUTLER] are members of the congressional committee attending the funeral of the late Representative Guyer, and are therefore necessarily absent from the city.

The Senator from California [Mr. JOHNSON] is absent because of illness.

The Senator from Illinois [Mr. BROOKS], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from Idaho [Mr. THOMAS] are necessarily absent.

The Senator from Pennsylvania [Mr. DAVIS] is detained on official business at one of the executive departments.

The result was announced—yeas 69, nays 0, as follows:

YEAS—69

Aiken	Gerry	Murdock
Andrews	Gillette	Murray
Austin	Green	Nye
Bailey	Guffey	O'Mahoney
Ball	Gurney	Overtcn
Bankhead	Hatch	Pepper
Barbour	Hawkes	Reynolds
Blibo	Hayden	Russell
Bone	Hill	Scruggam
Brewster	Holman	Shipstead
Bridges	Johnson, Colo.	Stewart
Buck	La Follette	Taft
Burton	Langer	Thomas, Okla.
Bushfield	Lodge	Tobey
Byrd	Lucas	Tunnell
Capper	McCarran	Vandenberg
Caraway	McClellan	Van Nuys
Chandler	McFarland	Wallgren
Chavez	McKellar	Whes'er
Clark, Mo.	McNary	Wherry
Danaher	Maloney	White
Ellender	Mead	Wiley
Ferguson	Millikin	Willis

NAYS—0

NOT VOTING—27

Barkley	Glass	Robertson
Brooks	Johnson, Calif.	Smith
Butler	Kilgore	Thomas, Idaho
Clark, Idaho	Maybank	Thomas, Utah
Connally	Moore	Truman
Davis	O'Daniel	Tydings
Downey	Radcliffe	Wagner
Eastland	Reed	Walsh
George	Revercomb	Wilson

So Mr. McKELLAR's motion that the Senate further insist on its amendment numbered 60 was agreed to.

Mr. McKELLAR. Mr. President, I move that the Senate further insist on its amendment numbered 61, which simply refers to the numbering.

The motion was agreed to.

Mr. McKELLAR. Now, Mr. President, I move that the Senate request a further conference with the House on the disagreeing votes of the two Houses on the amendments still in disagreement,

and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. NYE, and Mr. LODGE conferees on the part of the Senate.

AGRICULTURAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 2481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1944, and for other purposes.

Mr. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. Is the amendment offered by the Senator from Virginia the pending business?

The PRESIDING OFFICER. That is correct.

EXTENSION OF COMMODITY CORPORATION—PROPOSED RECOMMITTAL OF BILL

Mr. BANKHEAD. Mr. President, out of order, I move that the Senate recommit Senate bill 1108, a bill to continue the Commodity Credit Corporation and to increase its borrowing power, to the Committee on Banking and Currency. I make the motion as the result of an agreement reached this morning in the committee, among the members of the committee, that I should move to have the bill recommitted for further consideration.

Mr. McNARY. Mr. President, I am inclined to favor the motion, if the Senator will specify why he desires to have the bill recommitted.

Mr. BANKHEAD. I made the motion, as I stated, at the request of the members of the committee. No hearings were held by the committee on the principal controversial feature of the bill. After the committee held hearings on the question of continuance of the corporation, the committee went into executive session to act on the bill. An amendment then was proposed on the subject of subsidies and roll-back payments; and, without dealing with the question of holding any further hearings, the committee proceeded by the very small vote of three to two to adopt an amendment to the bill.

After that action was taken, considerable desire was expressed to know more about the bill and to have some hearings held for the information of the members of the committee, at least about the controversial item in the bill. So we have held hearings for 2 days for that purpose; and this morning the Senator from Ohio [Mr. TART] thought—and other members of the committee including myself agreed with him, all the members of the committee being present—that probably the most helpful procedure would be to have the bill recommitted to the committee for further consideration and further hearings.

That is the reason why the motion is made. That is the only explanation I can make to the Senator.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. CLARK of Missouri. As a matter of fact, the purport of the bill, as reported from the committee, is to legalize certain practices as to subsidies which now are being put into effect without any authority of law whatever; are they not?

Mr. BANKHEAD. I should not say that; no. I do not think that statement is correct.

Mr. CLARK of Missouri. What is the correct statement?

Mr. BANKHEAD. I think there is authority of law.

Mr. CLARK of Missouri. Does the Senator think there is any authority of law for the subsidies now being paid by the Reconstruction Finance Corporation?

Mr. BANKHEAD. I rather think there is.

Mr. CLARK of Missouri. I disagree with the Senator.

Mr. BANKHEAD. That is one of the subjects which has been discussed in the committee.

Mr. CLARK of Missouri. Let me say to the Senator that, either on this bill or on any other bill, when it is reported again, if there is any effort to legalize the practices now being put into effect by Mr. Jones and the R. F. C., there will be a very prolonged and bitter fight on this floor before the bill is ever passed.

Mr. BANKHEAD. I do not think that is the purpose of the program at all. No one suggested it. The only question which really stands under serious criticism is that of whether the amendment limiting the appropriation goes far enough or whether it should be enlarged. That is the point.

Mr. CLARK of Missouri. Mr. President, if the Senator will permit me one further interruption, and then I shall not bother him any further—

Mr. BANKHEAD. Yes; I yield.

Mr. CLARK of Missouri. Let me say that it seems to me there is no question whatever that the matter of subsidies is being proceeded with now in a way entirely unauthorized by law, certainly not contemplated by the act authorizing the Reconstruction Finance Corporation, and, in my opinion, in plain violation of law. Any proposition to legalize what is now being done, even by way of limitation, might be construed as a legalization of it. I simply desire to say that I am in favor of the motion of the Senator from Alabama to recommit, but that any renewal of the proposition to legalize the practice now being followed by the R. F. C. will be met with bitter and prolonged opposition on this floor.

Mr. BANKHEAD. Of course, we need not deal with that subject until we reach it. I do not even know that it will be necessary for the Senate to take such action.

Mr. McNARY. Mr. President, the request is made somewhat untimely. I share the view of the Senator from Missouri. I object.

The PRESIDING OFFICER. The motion is not in order at this time.

Mr. McNARY. Of course, the motion is not in order until unanimous consent is obtained, and I object.

Mr. BANKHEAD. Very well.

AGRICULTURAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 2481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1944, and for other purposes.

Mr. BYRD. Mr. President, the amendment offered by the Senator from Virginia is a substitute for the committee amendment beginning on page 89, line 15, and going down to page 93, line 4. It does not apply to the Jones-Bankhead farm tenancy program.

Mr. President, I am in hearty accord with the opinions expressed by the Senator from Oregon and the Senator from Georgia, that the consideration of the bill should be concluded today. I intend to make my remarks in support of the amendment I have offered as brief and concise as possible, and I shall ask that if there are any questions which any Senator desires to ask me, they be deferred until the conclusion of my initial statement.

Mr. BONE. Mr. President, will the Senator permit me to inquire simply about the scope of his substitute?

Mr. BYRD. Very well.

Mr. BONE. Does it cover everything from page 89 to the end of the committee amendment? I simply inquire in order to obtain the correct information.

Mr. BYRD. Down to line 4 on page 93.

Mr. BONE. It does not touch the text of the bill on page 93, under the term "farm tenancy"; does it?

Mr. BYRD. No; it does not. As the Senator will recall, the committee amendment, upon motion of the Senator from Ohio [Mr. TART], was divided yesterday.

Mr. President, the Farm Security Administration, with which the pending amendment deals, has never been authorized by Congress. It may be called a \$1,000,000,000 bureau of the Government because this is approximately the amount of its expenditures, loans, and grants since its creation.

This is exclusive of the farm tenant program.

Mr. President, I would not deny a single dollar to the small-income farmers, provided that the loans are based upon proper and sound considerations. The amendment proposed by me would utilize other agencies of the Government that are already organized and that are operating successfully to aid the farmers of small incomes at a great saving of administrative cost.

This amendment I will discuss in detail later.

My attention was first attracted to the Farm Security Administration in the investigation of nonessential Federal expenditures by the Joint Committee on Reduction of Nonessential Federal Expenditures, of which I have the honor to be chairman. This committee was directed by legislative enactment to make a full and complete study and investiga-

tion of all the expenditures of the Federal Government, with a view to recommending the elimination or reduction of all such expenditures deemed by the committee to be nonessential, and to report at the earliest practicable date to the President and to the Congress the results of its study, together with its recommendations. Last year an exhaustive investigation was made by the joint committee of the exact activities of the Farm Security Administration. I believe the hearings lasted for more than 10 days.

That report was signed without reservation by the chairman of the committee, the Senator from Virginia; the vice chairman, Mr. ROBERT L. DOUGHTON, who is chairman of the House Committee on Ways and Means; the senior Senator from Virginia [Mr. GLASS], chairman of the Senate Committee on Appropriations; the Senator from Georgia [Mr. GEORGE], chairman of the Committee on Finance; the Senator from Tennessee [Mr. McKELLAR], the ranking Democratic member of the Senate Appropriations Committee; Representative WOODRUM of Virginia, ranking Democratic member of the House Appropriations Committee; THOMAS H. CULLEN, ranking Democratic member of the House Ways and Means Committee; ALLEN T. TREADWAY, ranking Republican member of the House Ways and Means Committee; and JOHN TABER, ranking Republican member of the House Committee on Appropriations.

Mr. President, I wish to emphasize the fact that the Joint Committee on Reduction of Nonessential Federal Expenditures approves of any sound and proper plan to improve the condition of the low-income farmers; but for reasons which are given, this committee believed—and made a report accordingly—that such activities could be much better administered by the other established bureaus of the Department of Agriculture.

During the period from April 8, 1935, to December 31, 1941, the administrative cost of the Farm Security Administration was \$275,861,889, in order to spend or give away \$714,092,031. In other words, it cost \$1 to loan or give away \$3.

I wish to read to the Senate the breakdown of that administrative cost.

The Farm Security Administration personnel in that period cost the Government, in round figures, \$198,000,000; supplies and materials cost \$30,000,000; rental for equipment, buildings, and land cost \$9,000,000; communications cost \$2,356,000; traveling expenses, including subsistence during that period, cost \$28,769,000; printing and binding cost \$1,844,000; advertising, \$30,000; heat, light, power, water, and electricity, \$759,000; miscellaneous costs were \$2,447,000, making a total of \$275,000,000 in round figures. During that period loans and grants were made to the extent of \$714,000,000.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. TOBEY. The figure \$28,000,000 for traveling expenses, which was cited by the Senator from Virginia, amazes the hearer. Has the Senator any breakdown of that figure?

Mr. BYRD. There is no break-down, except that it was for traveling expenses.

Mr. TOBEY. Was it for travel by motorcar or train, or both? How could it be possible for the agency to spend \$28,000,000 for traveling expenses in one fiscal year?

Mr. BYRD. It is not for one fiscal year. It is for the period April 8, 1935, to December 31, 1941. The traveling expenses for a single year, last year, were \$5,079,804.

Mr. TOBEY. Even that figure hits us in the face. It seems incongruous and an abnormality.

Mr. BYRD. The committee thought it was extremely excessive.

Of course, that includes what is called subsistence, which is part of the traveling expenses—in other words, hotel expenses and meals during the time the employees were traveling.

As of December 31, the Farm Security Administration had 15,960 employees, with an annual pay roll of about \$30,000,000. The traveling expenses for this fiscal year will be \$5,079,804. In addition, \$230,650 was spent for communications—telephone services and telegrams.

This organization maintains 47 State offices, 275 district offices, and 2,315 county offices, making a total of 2,637 offices. It operates these separate and distinct offices side by side with other agencies who are doing more or less similar work.

I now wish to discuss the resettlement projects. I know that they were begun under Mr. Tugwell. They were the Tugwellian experiments, the most costly experiments that have ever been conducted in this country, based upon the Russian form of communism. They were started by Mr. Tugwell, and the same theories which were then advocated by Mr. Tugwell have to a large extent permeated the Farm Security Administration in its other activities.

Those resettlement projects cost originally \$137,502,000. In addition, large sums were spent for development. Of course, I understand that those projects have proved to be so impracticable and so impossible of operation that the Resettlement Administration has abandoned them, but on the other hand, the Administration is attempting to operate a system of cooperative farms which is a program somewhat along the same line.

Mr. EASTLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McFARLAND in the chair). Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. BYRD. I yield.

Mr. EASTLAND. Can the Senator tell me whether or not a single one of those communal farms has ever been liquidated?

Mr. BYRD. I could not say that definitely, Mr. President. I think that practically none of the resettlement projects has been completely liquidated, except to the extent of being transferred, as I shall explain in a few moments, to some other agency of the Government. So far as I know, the cooperative farms have not been liquidated.

Mr. President, I wish to make some reference to the so-called liquidation of

these projects. Take the Arthurdale homesteads, a pet project of the wife of the President of the United States. Let us see what has happened in that case. The Arthurdale homesteads cost exactly \$2,744,724. They have been partially liquidated, to the extent of \$175,000, but my information is that the Government has secured nearly all the cash it will get out of them. So far as the records which I have been able to obtain are concerned, they show that only \$175,000 has been collected by the Government from this costly experiment which was proposed and sponsored by the wife of the President of the United States.

Let us take some of the other projects to show the method of liquidation which we are told is now going forward. As of June 30, 1942—and that is the latest figure I have been able to obtain—projects with a total capital investment, in round figures—and I shall use round figures to save time—of \$42,000,000 have been sold for \$11,000,000. Some of them have not been wholly sold. Practically none of these projects has been completely liquidated.

Sixty projects of a value of \$65,860,000 have been transferred to the Federal Public Housing Authority. What they call liquidation is actually the transferring of these projects to some other agency of the Government where they will be administered at great cost, and will still add to the deficit which has occurred with respect to these projects.

Let us consider a few of the projects listed here:

In Alabama there are the Gees Bend farms. They cost \$408,264. So far they have been practically liquidated. They have been sold with receipts of about \$128,000.

Take the Skyline farms, in Alabama, on which an investment was made of \$1,260,000—

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. LUCAS. To what year is the Senator referring?

Mr. BYRD. This is a report up to—

Mr. LUCAS. When was the Skyline farms project initiated?

Mr. BYRD. I do not have that date. I imagine that most of these projects were initiated in 1934, 1935, and 1936—at about that period.

Mr. LUCAS. This is the thing we have been hearing about for the last 4 or 5 or 6 years.

Mr. BYRD. The same thing.

Mr. LUCAS. In connection with the early experiments which the Government conducted along that line.

Mr. BYRD. Yes, and they are continuing somewhat the same experiments under a different name, called cooperative farms, which are practically the same as the original resettlement projects. I wish to point out how costly and impractical the experiments have been, and what little value there is left in these projects by reason of the inefficient management which was given to the projects by the Resettlement Administration which was the predecessor of the Farm Security Administration.

the amendment of the Senate and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 28: Page 65, line 7, strike out "204" and insert "205."

Mr. O'NEAL. Mr. Speaker, this is merely a correction. I move that the House recede from its disagreement to the amendment of the Senate and concur therein.

The motion was agreed to.

The SPEAKER. Without objection, a motion to reconsider the various votes on the conference report will be laid on the table.

There was no objection.

URGENT DEFICIENCY APPROPRIATION BILL

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2714), making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, disagree to the Senate amendment to the House amendment to Senate amendment No. 5; insist on its disagreement to Senate amendments Nos. 60 and 61, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MARTIN of Massachusetts. Reserving the right to object, has the gentleman discussed this with the ranking minority member?

Mr. TABER. I shall not object at this time to the bill going to conference.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, which one of these is the Rural Electrification matter?

Mr. CANNON of Missouri. That does not come in this bill. This is the urgent deficiency bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none and appoints the following conferees: Mr. CANNON of Missouri, Mr. WOODRUM of Virginia, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. RABAUT, Mr. JOHNSON of Oklahoma, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER.

QUESTIONS AND ANSWERS TO THE CURRENT TAX PAYMENT ACT OF 1943

Mr. BULWINKLE. Mr. Speaker, from the Committee on Printing, I report an original privileged resolution (H. Con. Res. 30) authorizing the printing of additional copies of Senate Document No. 237, Questions and Answers Containing an Analysis Relative to the Current Tax Payment Act of 1943, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 53,000 additional copies of House Document No. 237, Questions and Answers

Containing an Analysis Relative to Public Law No. 68, "An act to provide for the current payment of the individual income tax, and for other purposes," approved June 9, 1943, of which 45,000 shall be for the use of the House Document Room, 5,000 copies for the use of the Senate Document Room, 2,000 copies for the Committee on Ways and Means of the House, and 1,000 copies for the use of the Committee on Finance of the Senate.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CANADA, EMPIRE PARLIAMENTARY ASSOCIATION

The SPEAKER. Pursuant to Senate Concurrent Resolution No. 14, the Chair appoints the gentleman from New York [Mr. BLOOM] chairman, the gentleman from Texas [Mr. LUTHER A. JOHNSON], the gentleman from New Jersey [Mr. EATON], and the gentleman from Ohio [Mr. VORYS].

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1944—CONFERENCE REPORT

Mr. TARVER. Mr. Speaker, I call up the conference report on the bill (H. R. 2481), making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1944, and for other purposes, and I ask unanimous consent that the statement on the part of the managers may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 21, 1943.)

Mr. TARVER. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the Senate adopted 134 amendments to the Department of Agriculture appropriation bill as it passed the House. As you will observe from the conference report, the Senate has receded on 33 of those amendments. The House has receded on 18, and in connection with a large number of other amendments where the House, if it adopts the report of the conferees, will recede with amendments, the Senate has made substantial concessions to the viewpoint of the House.

There are a number of very important amendments that are still in disagreement. However, not so considerable a number as we at one time anticipated might be true. They aggregate some four or five or possibly six amendments. I do not intend to discuss all of the items included in the conference report, but I do wish to make particular reference to some three or four of the outstanding matters in which I conceive the House is especially interested, and I shall then undertake to answer as best I can any questions that Members may desire to address to me.

With regard to the appropriations provided by the Senate version of the bill for forest-fire protection, both on national forest domains and in the cooper-

ative fire-protection work and on critical areas where the emergent need for such protection may develop, the House conferees have agreed to the Senate position insofar as we could. What I mean by that is, insofar as the appropriations for forest protection and management is concerned, where the amount provided by the Senate was authorized by law, we have included the amount requested by the Senate.

Mr. CASE. Mr. Speaker, will the gentleman yield?

Mr. TARVER. In just a moment I will yield to the gentleman from South Dakota.

In connection with forest fire cooperative work, where the limitation of the authorization is \$2,500,000, and where the proposed Senate amendment of \$2,300,000 for use in critical areas is not authorized by law and where the Senate has exceeded for the cooperative fire protective work the amount of the authorization by \$1,500,000, the subject matter could not be included in the conference report, but the House conferees will move to recede and concur in the Senate amendments.

I now yield to the gentleman from South Dakota.

Mr. CASE. During the consideration of the appropriation bill for the War Department Saturday afternoon we were assured that the conferees were agreeing to place in the agricultural bill the same amounts, as I understand it, that we were asked to deduct from the War Department appropriation bill at that time.

Mr. TARVER. Yes. The gentleman from Missouri [Mr. CANNON], the Chairman of the full Committee, and myself gave that assurance to the gentleman from Pennsylvania [Mr. SNYDER], chairman of the subcommittee, and the \$2,760,000 carried in the War Department bill would have been duplicated in this bill unless what was in the War Department bill might have been removed therefrom by an amendment, and that, as I understand it, was satisfactory to the gentleman from Pennsylvania [Mr. SNYDER].

Mr. CASE. That was done. The purpose of my inquiry was to determine whether the same amount was included in this bill.

Mr. TARVER. That is the information we had. The clerk of the full committee made an investigation of the subject matter and gave us that information. Of course, it is not the desire of the Congress to make the same appropriation twice, once in the agricultural bill and once in the other bill.

Mr. CASE. The reason I ask the question is that on page 12 of the conference report, as I read the first amendment, No. 67, under "Forest Service," it states: This provides an increase of \$2,151,711 for emergency forest fire control.

As I recall the amount the reduction determined upon was about that sum.

Mr. TARVER. \$2,760,000, but the gentleman will recall that \$2,300,000 is included in a later portion of the bill for use in critical areas.

Mr. CASE. That is all right; I wanted to have a record of it.

Mr. TARVER. I shall direct particular attention to the action taken by the conferees in connection with amendment No. 85, relating to the use of administrative funds of the Commodity Credit Corporation for the disposition of Government-owned or Government-controlled agricultural products at less than parity prices. That is a subject matter upon which we have considerable debate and disagreement with the Senate in prior years. We have agreed with the Senate conferees, subject, of course, to the approval of the House, upon the modifying language which you will find set out in the report of the managers on the part of the House. That language is more restricted in the exceptions to the general rule than was the language carried in the agricultural appropriation bill for the present fiscal year. This language will permit exceptions in cases of five different types:

First, agricultural commodities which have deteriorated; second, grains sold for the purpose of feed; third, grain sold to the farmers for seeding purposes; fourth, any agricultural commodities which are used for experimental purposes in new or byproduct uses; and fifth, the sales which are permitted of peanuts at less than the peanut parity price for use in the manufacture of oil.

The language of the Senate defining the initial inhibitions against the use of Commodity Credit Corporation administrative funds for the purpose of sales of agricultural commodities at less than parity, before exceptions were stated, has been agreed to rather than the language carried in the House bill, but that portion of the Senate amendment, in the judgment of the House conferees, does not differ materially from the language the House provided.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Kansas.

Mr. HOPE. As I read this language it would appear that there is nothing in this that in any way conflicts with the present legislation governing the sale of wheat for feed. Am I correct in that?

Mr. TARVER. That, I think, is correct. However, I call the gentleman's attention to the concluding language of the provision, which reads:

Provided further, That no wheat or corn shall be sold for feed at a price less than the parity price of corn at the time such sale is made: Provided further, That in making regional adjustments in the sale price of corn or wheat, the minimum price need not be higher in any area than the United States average parity price of corn.

Mr. HOPE. That language is substantially the same language.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. TARVER. Mr. Speaker, I yield myself 5 additional minutes.

Mr. HOPE. That language is substantially the same language which is included in the last two pieces of legislation providing for the sale of wheat?

Mr. TARVER. Yes; I think that is true.

As I said awhile ago, I think with the exceptions provided in the amendment

as reported in the conference report, the language will be more restricted from the standpoint of the sale of agricultural commodities by the C. C. C. than was the language included in the bill for the present fiscal year.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. PACE. This would be true, however, that this places no limitation on the amount that might be sold for feed and it would not be necessary hereafter for the Commodity Credit Corporation to secure any additional legislation.

Mr. TARVER. Provided the amount sold for feed complies with the restriction with reference to the price at which it should be sold: Wheat at not less than corn parity and corn, of course, at not less than corn parity.

Mr. PACE. But with no limitation on the amount itself.

Mr. TARVER. Exactly. There are a great many items in the report to which it is probably unnecessary to refer, but there are three errata in the statement of the managers on the part of the House that I think it desirable to call attention to for the purpose of having the record speak the truth.

Amendment No. 23: Insular experiment stations. The statement is made in the statement of the managers on the part of the House that it appropriates \$83,292 as proposed by the House instead of \$100,000 as proposed by the Senate. It will be observed that in the conference report it is stated that the House receded from its disagreement to Senate amendment No. 23 and, of course, the report controls. The statement in the statement of the managers to the effect that the Senate receded is an incorrect statement and the total amount appropriated, if the conference report is agreed to, will be \$100,000 as proposed by the Senate.

In connection with amendment No. 70, range investigations, I quote the language from the report of the managers which is also in one particular incorrect—

Appropriates \$250,000 instead of \$150,000 as proposed by the House and \$267,200 as proposed by the Senate. The increase of \$100,000 over the House figure is for the additional work in Louisiana and the continuation of work in the Southeast proposed under the Senate amendment.

The statement is incorrect in that it states that the entire increase of \$100,000 is for the two purposes named. As a matter of fact, \$12,500 is for the work in Louisiana, and \$20,450 is for the work in the Southeast; and not all of the \$100,000 was intended for those two activities. I wish to make one other correction in the report of the managers.

I call your attention to amendment No. 128 relative to a limitation applicable to the Regional Agricultural Credit Corporation. It is stated that the House managers will move to recede and concur. The House managers will move to recede and concur with an amendment and will not submit the motion which it is stated in the report of the managers as published in the CONGRESSIONAL RECORD will be submitted.

Mr. Speaker, that is all I care to say unless Members desire to ask questions.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Mississippi.

Mr. RANKIN. This question of funds for rural electrification will come up in a separate amendment, will it?

Mr. TARVER. That amendment is in disagreement and it is not included in the conference report.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. HAYS. I did not understand the statement with reference to the Regional Agricultural Credit Corporation.

Mr. TARVER. I stated that the statement in the statement of the managers as published in the CONGRESSIONAL RECORD to the effect that the managers would move to recede and concur in the Senate amendment is incorrect. The managers will move to recede and concur in the Senate amendment with an amendment which will be discussed at a later time.

The SPEAKER. The gentleman has consumed 5 additional minutes.

Mr. TARVER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, I am happy that we have made as much progress in so short a space of time as we have, comparable to the difficulties we had with this bill last year. Members may recall that it was 9 days after the end of the fiscal year before we finally completed action on the agricultural appropriation bill.

We have had three sessions with the Senate. They have been in a reasonably agreeable mood, and the House went there also in the same kind of felicitous frame of mind; so we have made considerable progress in discussing most of the 134 amendments.

I may say with relation to farm security, about which there has been considerable question, that at a proper place in the proceedings the chairman of the subcommittee will offer an amendment dealing with farm security and farm tenancy which represents a compromise which I think will be agreeable to the House and which I believe will finally find acceptance with the Senate.

I wish to take just a moment to pay tribute to the clerk of this subcommittee, Arthur Orr. When we finished our conference yesterday afternoon at 4:15, it then became his responsibility to get busy and prepare this conference report and the statement of the managers. He labored incessantly, and I think he left this Capitol this morning at 2:30. It is a tremendous strain upon the clerks of the Appropriations Committee as we come into these final days of the fiscal year, and so here and now I want to pay testimony to the diligence, to the fealty, and to the faithfulness of the clerk of this committee and the clerk of the other committees. I ask you all to join with me in giving Arthur Orr a great big resounding hand of applause.

Mr. LAMBERTSON. Mr. Speaker, will the gentleman from Illinois yield

AMENDING THE FLAG LAW

Mr. BUSBEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. BUSBEY. Mr. Speaker, I am dropping in the hopper today a bill to revise section 7 of the act of June 22, 1942, Public, 623, Seventy-seventh Congress, as amended by Public, 829, Seventy-seventh Congress, pertaining to the display and use of the flag of the United States of America.

Section 7 of Public Law 623, as amended on December 22, 1942, changed the position of the hand when pledging allegiance to the flag from the original position of extending the right hand, palm upward, toward the flag as the words "to the flag" are reached in the pledge of allegiance, and holding this position to the end when the hand drops to the side, to that of standing with the right hand over the heart all during the pledge of allegiance to the flag being given. I wish to advise the members of the House that the reason for the form of extending the hand to the flag when pledging allegiance grew out of the fact that in many instances in the public schools children were found to be pledging allegiance to a red flag pinned to their shirts or in a pocket directly over their hearts, and when the pledge of allegiance was given they were in fact pledging allegiance to this red flag instead of the flag of the United States of America. When it was made a law that everyone should extend his right hand, palm upward, toward the flag in pledging allegiance, there could be no mistake to which flag they were pledging allegiance.

If this is to be one Nation indivisible, with liberty and justice for all, it seems to me we should do everything possible to eliminate any question of doubt as to what flag everyone is pledging allegiance. I sincerely hope, for the sake of unity, that my bill, which will restore the original form of extending the hand toward the flag during this very impressive ceremony, will receive favorable consideration at an early date.

The SPEAKER. The time of the gentleman from Illinois has expired.

EXTENSION OF REMARKS

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include a discourse delivered by the Very Reverend James H. Griffiths at the National Shrine of the Immaculate Conception in Washington on May 16, 1943.

The SPEAKER. Is there objection?

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

PERMISSION TO ADDRESS THE HOUSE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the conclusion of the legislative business, I may address the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

URGENT DEFICIENCY APPROPRIATION BILL, 1943

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, disagree to the Senate amendment to the House amendment to Senate amendment numbered 5, and further insist on our disagreement to Senate amendments numbered 60 and 61.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. TABER. Mr. Speaker, reserving the right to object, my understanding is that there is a definite program agreed upon by the majority of the House conferees and the majority of the Senate conferees whereby the House will yield to wiping out all restrictions upon the President's emergency fund and whereby the House would yield to the striking out of the amendment placed on the bill on the motion by the gentleman from North Carolina [Mr. KERR] prohibiting payment of funds to Dr. Goodwin B. Watson, Dr. William E. Dodd, Jr., and Dr. Robert Morss Lovett. I cannot agree to that situation and therefore I object.

Mr. CANNON of Missouri. Will the gentleman reserve his objection for a moment?

Mr. TABER. Yes.

Mr. CANNON of Missouri. Mr. Speaker, this is one of the vital bills now before the House. It must be passed before the 30th. It carries \$132,000,000 overtime pay, affecting 271 different appropriations and practically every agency and department of the Government except the War and Navy Departments. Already many of those agencies are out of money and their pay rolls are being met by advances from the President's fund in order to avoid the embarrassments pending enactment of the bill. The President's fund will not long serve to relieve this situation and a pay-roll crisis is not far off unless this bill becomes a law.

There are only two amendments upon which we are still in disagreement. One is the limitation on the President's fund and the other relates to denial of salaries of the three charged with subversive activities. I am convinced that the Senate will yield on this last amendment. I have no assurance on that, but am basing my opinion on the logic of the situation. Far from having any agreement to yield on the subversive amendment, I will say that before we would take such a step we would bring the bill back to the House.

Mr. WOODRUM of Virginia. Will the gentleman yield right there?

Mr. CANNON of Missouri. I yield to the gentleman from Virginia.

Mr. WOODRUM of Virginia. I would like to emphasize what the gentleman is saying about the Kerr amendment. Certainly it could not be possible that there would be any thought on the part of the House conferees of yielding on that amendment which was adopted after so much deliberation and by such an over-

whelming vote. As one of the conferees, and supplementing what the gentleman from Missouri says, I certainly can assure the House that there will be no yielding on that. But I do think we are getting near the deadline and that we ought to try to go to conference and fix up something if we can.

Mr. TABER. Mr. Speaker, there is this situation: This bill passed the House on the 18th day of May. The Senate has voted to strike out the House amendment offered by the gentleman from North Carolina [Mr. KERR] without holding any hearings whatever.

If the Senate was holding hearings on that subject they would come to us with clean hands. I think they should begin hearings immediately and in the meantime we should let the bill lay on the Speaker's table.

Mr. WOODRUM of Virginia. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Virginia.

Mr. WOODRUM of Virginia. Suppose we could show the gentlemen of the Senate the true light and they are willing to yield immediately without having hearings; they might be satisfied with that, based on the findings of the House.

Mr. CANNON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Missouri.

Mr. CANNON of Missouri. Mr. Speaker, the Senate cannot yield unless we can go to conference with them; they would have no opportunity to yield.

Mr. TABER. They can ask for the papers and yield on the record. That is the feeling that I have at this time.

Mr. CANNON of Missouri. Mr. Speaker, may I ask the gentleman from New York if he were given assurance that the conferees on this side of the aisle would cooperate with him in the retention of this provision would he then be willing for the bill to go to conference?

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Mississippi.

Mr. RANKIN. With the assurance given us by the chairman of the Committee on Appropriations, the gentleman from Missouri [Mr. CANNON], that there is to be no backing down on the part of the House conferees on the amendment eliminating these three alleged subversive individuals from the pay roll, I hope the gentleman from New York will agree to the request of the gentleman from Missouri, with that understanding.

I will say now that I do not care how much is involved in this bill, there is enough involved that the Senate conferees should have investigated the charges against these men that have been found correct by the Dies committee, by the Kerr committee, and by the House of Representatives. Mr. Speaker, if the chairman of the committee will assure us that the conferees will stand firm on that amendment, I would have no objection to the bill going to conference and I hope the gentleman from New York [Mr. TABER] will withdraw his objection with that understanding.

Mr. CANNON of Missouri. Mr. Speaker, I might add that in the meantime every agency of the Government, with the exception of the Army and Navy, will be without funds on the 30th of June.

Mr. RANKIN. May I say to the gentleman from New York that I am just as much in favor of getting every subversive individual off the Federal pay roll as he is, and I recognize his sincerity, but I believe that with the assurance given us by the chairman of the committee, we should agree to the request of the gentleman from Missouri [Mr. CANNON].

Mr. TABER. Mr. Speaker, I feel that at this time I must object. If I see from the evidence a different attitude I would be glad to go along.

Mr. RANKIN. That is, a different attitude on the part of the Senate?

Mr. TABER. Yes, Mr. Speaker, I must insist on my objection.

The SPEAKER. Objection is heard.

PRIVATE CALENDAR

The SPEAKER. Under previous order of the House, the Private Calendar will be called.

ALMOS W. GLASGOW

The Clerk called the first bill, S. 555, for the relief of Almos W. Glasgow.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOTT and Mr. GRANT of Alabama objected, and, under the rule, the bill was recommitted to the Committee on Claims.

CINDA J. SHORT

The Clerk called the next bill, S. 717, for the relief of Cinda J. Short.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Mrs. Cinda J. Short, of Wise County, Va., the sum of \$5,000, in full satisfaction of her claims against the United States for compensation for the deaths of her sons, Kermit Short and Victor Short, who were killed, on June 9, 1939, as the result of being struck by a bolt of lightning which was carried to the house of Monroe Short, a local fire warden, deceased husband of the said Cinda J. Short, by unconnected telephone wires installed by enrollees of the Civilian Conservation Corps, such wires not having been grounded, payment of such claim to the said Monroe Short having been authorized by Private Law No. 502, Seventy-seventh Congress, approved October 13, 1932, but not having been made prior to the death of the said Monroe Short: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES FRANCIS FESSENDEN

The Clerk called the next bill, S. 671, for the relief of Charles Francis Fessenden.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 15 to 20, inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended (U. S. C., 1934 ed., title 5, secs. 767 and 770), are hereby waived in favor of Charles Francis Fessenden, of Waverly, Pa., who allegedly was injured and became permanently disabled while engaged in the performance of his duty in October 1916 as an employee at the navy yard, Charleston, S. C., and as a result of such duty, and his claim for compensation is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if he files such claim with the United States Employees' Compensation Commission not later than 6 months after the date of enactment of this act: *Provided*, That no benefits hereunder shall accrue prior to the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

LT. M. V. DAVEN

The Clerk called the next bill, S. 684, for the relief of Lt. M. V. Daven.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That M. V. Daven, first lieutenant, Quartermaster Corps, United States Army, is hereby relieved of any liability to the United States for repayment of sums amounting in the aggregate to \$474.16 heretofore paid to him as compensation for services rendered by him during the summers of 1932, 1933, 1934, and 1936 as chief baker for the Texas National Guard, at Camp Hulen, Palacios, Tex., and the Comptroller General is authorized and directed to allow credit in the accounts of Taylor Nichols and Lawrence E. McGee, formerly United States property and disbursing officers for the State of Texas, for so much of such sum as has been suspended against the accounts of each of said former officers.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said M. V. Daven the sum of \$161.50, in full satisfaction of his claim against the United States for reimbursement of the sum which he paid to H. J. Weller, United States property and disbursing officer for the State of Texas, to compensate said H. J. Weller for a suspension in his accounts entered by the Comptroller General because of his having paid the said M. V. Daven the sum of \$161.50 for services rendered as chief baker for the Texas National Guard, at Camp Hulen, Palacios, Tex., during the summer of 1937.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ETTA HOUSER FREEMAN

The Clerk called the next bill, S. 839, conferring jurisdiction upon the United States District Court for the Middle District of North Carolina to hear, determine, and render judgment upon the claim of Etta Houser Freeman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States District Court for the Middle District of North Carolina to hear, determine, and render judgment, as if the United States were suable in tort, upon the claim of Etta Houser Freeman, of Dobson, N. C., for the death of her husband, L. W. Freeman, who was killed January 29, 1938, near Dobson, N. C., when the automobile which he was driving was struck by a Civilian Conservation Corps truck operated by one Paul J. Flynn: *Provided*, That the judgment, if any, shall not exceed a total sum of \$5,000.

SEC. 2. Suit upon such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, appeals therefrom, and payment of any judgment thereon, shall be in the same manner as in the cases over which such court has jurisdiction under the provisions of paragraph 20 of section 24 of the Judicial Code, as amended.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

C. Y. WEBB

The Clerk called the next bill, S. 376, for the relief of C. Y. Webb.

The SPEAKER. Is there objection to the present consideration of the bill?

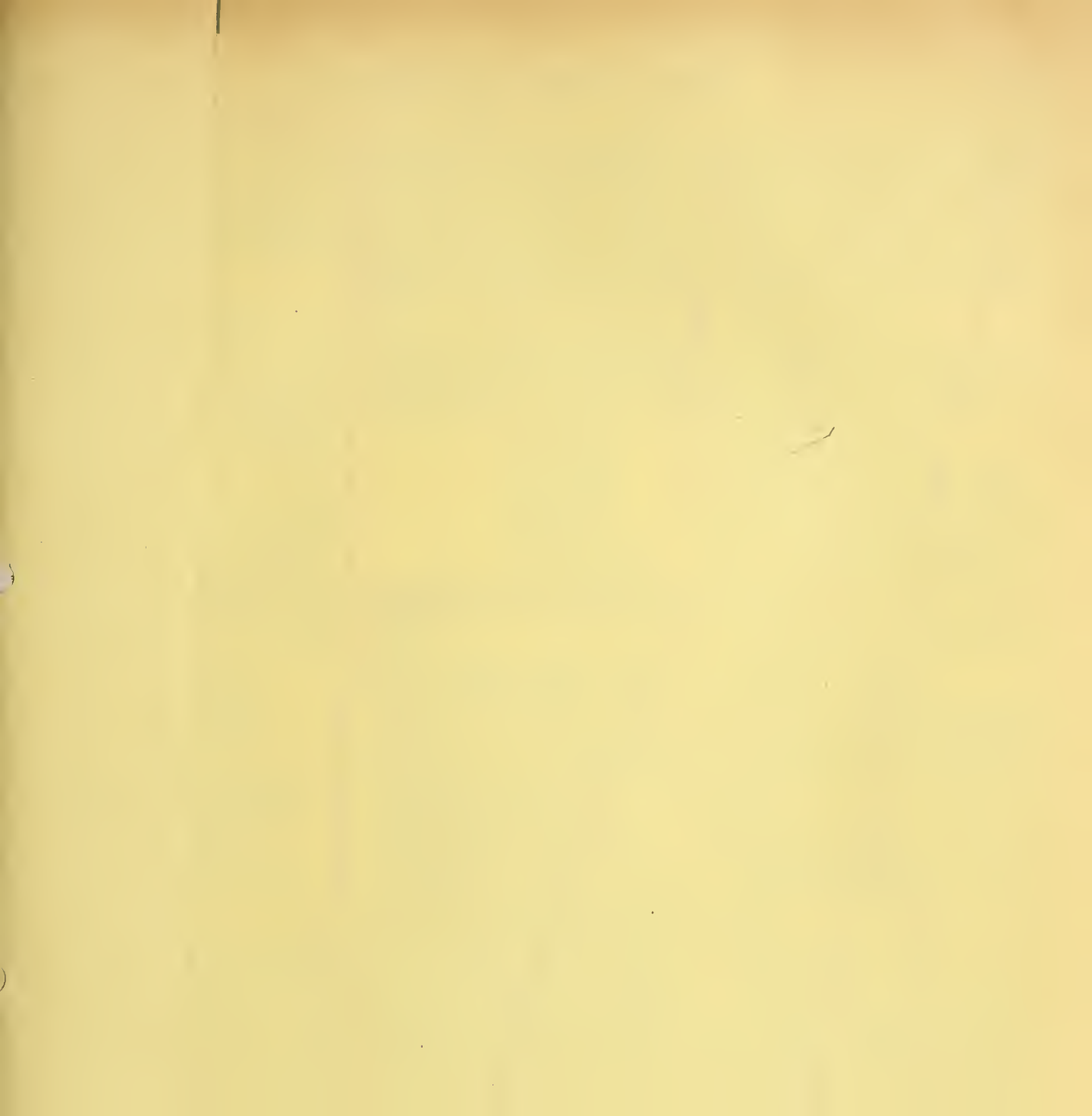
Mr. MCGREGOR, Mr. MOTT, and Mr. MADDEN objected, and, under the rule, the bill was recommitted to the Committee on Claims.

H. B. NELSON

The Clerk called the next bill, H. R. 1335, to provide for an appeal to the Supreme Court of the United States from the decisions of the Court of Claims in two suits instituted by H. B. Nelson (doing business as the H. B. Nelson Construction Co.).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That H. B. Nelson (doing business as the H. B. Nelson Construction Co.), may, at any time within 6 months after the date of the enactment of this act, appeal as of right to the Supreme Court of the United States from the judgments of the Court of Claims of the United States in the suits Nos. 43574A and 43574B respectively, heretofore instituted in the Court of Claims by said H. B. Nelson, and jurisdiction is hereby conferred upon the Supreme Court to consider and determine on such appeal all questions of law and fact upon the merits, and render judgment against the United States for the amount of any and all losses and/or damages suffered by said H. B. Nelson in justice and equity and without regard to technical bars, because of extra work and/or differences in conditions from those contemplated or misrepresentations or concealments of conditions or breaches of warranty, or arising otherwise howsoever prior to or during or subsequent to the performance of Government contracts numbered NOY-2203 and 2248, dated June 19, 1934, and September 12, 1934: *Provided*, That said cases shall be determined separately upon the evidence and transcripts of the records heretofore agreed upon by the parties, approved and certified on November 27, 1940, by the clerk of the Court of Claims to the Supreme Court of the United States. Any judgments rendered in favor of the



DEFICIENCY BILL FOR FISCAL YEAR ENDING JUNE 30, 1943

Mr. CANNON of Missouri submitted the following conference report and statement on the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 60 and 61.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment numbered 5, and agree to the same with an amendment as follows: Omit all of the matter proposed to be stricken out by such amendment and omit all of the matter proposed to be inserted in lieu thereof by action of the Senate and House of Representatives; and the Senate agree to the same.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMETT O'NEAL,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,

Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
MILLARD E. TYDINGS,
H. C. LODGE, Jr.,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on Senate amendments Nos. 5, 60, and 61, to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

No. 5: The original House bill carries provision extending until June 30, 1944, the unexpended balance in the President's emergency fund on June 30, 1943. To this provision the House added a prohibition on the use of the fund for making allocations to the National Resources Planning Board and the Farm Security Administration. The Senate struck out this provision and inserted language of a general character restricting the use of the fund. The House adopted the Senate proposed language modified so as to make exemptions for the Army, Navy, State Department, and Office of Strategic Services but left the Senate language applicable to all other Federal agencies. The Senate accepted the House modification of the Senate language but added a further exception for the Federal Bureau of Investigation. The conference agreement omits the original House amendment relating to the National Resources Planning Board and the Farm Security Administration, and also omits all other proposed substitute language of the

Senate and House and leaves the continuation of the fund in the form originally reported to the House by the committee on Appropriations. The House provision relating to the Planning Board and Farm Security is covered in other measures. The independent offices appropriation bill, 1944, contains provision prohibiting the funds for that Board in that bill from being supplemented from any other source and similar provision with respect to Farm Security is contemplated in connection with the agricultural appropriation bill, 1944, now pending.

Nos. 60 and 61, relating to Goodwin B. Watson, William E. Dodd, Jr., and Robert Morris Lovett: The Senate recedes from its amendment striking out the section in the House bill prohibiting the use of Federal funds for continuation of their employment in the Federal service.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMETT O'NEAL,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,

Managers on the part of the House.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1944—CONFERENCE REPORT

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 123: Page 89, line 17, strike out "\$22,258,000" and insert "\$32,258,000."

Mr. TARVER. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment numbered 123.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 124: On Page 91, line 5, after "Administration", insert the following: "Provided, That hereafter the requirement (12 U. S. C. 952) that Federal land banks and joint stock land banks shall be examined at least twice each year is hereby modified so that such examinations need be made only once each year: *Provided further*, That hereafter the expenses and salaries of employees engaged in such examinations shall be assessed against the said corporations, banks, or institutions in accordance with the provisions of existing laws except that the amounts collected from the Federal land banks, joint stock land banks, and Federal intermediate credit banks pursuant to the act of July 17, 1916, as amended (12 U. S. C. 657), shall be covered into the Treasury and credited to a special fund, and the Administration shall estimate the cost to the Farm Credit Administration of the administrative supervision of the Federal land banks, the banks for cooperatives, the Federal intermediate credit banks, and the production credit corporations for the fiscal year 1944 and shall apportion the amount so determined among such banks and corporations on such equitable basis as said Administration shall determine, and shall assess and collect such amounts in advance from such banks and corporations and the amount so collected shall be covered into the Treasury and credited to said special fund, which fund is hereby made available to said Administration for expenditure for the purposes set forth in this appropriation: *Provided further*, That as soon as practicable after June 30, 1944, said Administration shall determine, on a fair and reasonable basis, (1) the cost of the examination services rendered during the fiscal year 1944 to each Federal land bank, joint stock

land bank, and Federal intermediate credit bank and (2) the amount which fairly and equitably should be allocated to each Federal land bank, bank for cooperatives, Federal intermediate credit bank, and production credit corporation as the cost during the fiscal year 1944 of their administrative supervision, and if the sum of these two items in any case is greater than the total amount collected from the bank or the corporation concerned, the difference shall be collected from such bank or corporation or, if less, shall be refunded from said special fund to the bank or the corporation entitled thereto."

Mr. TARVER. Mr. Speaker, I move that the House recede and concur in the Senate amendment. There is no controversy about this, Mr. Speaker. The language was in the bill when it was before the House committee.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

Mr. TARVER. Mr. Speaker, amendment numbered 125 is connected with amendments numbered 126 and 127 and should not be disposed of until after action is taken on those amendments. I ask unanimous consent that amendment numbered 125 be passed for the present.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

There was no objection.

Mr. TARVER. Mr. Speaker, in view of the fact that amendments numbered 126 and 127 involve the subject matter of the appropriation for the Farm Security Administration, I ask unanimous consent that they be considered together.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments numbered 126 and 127.

The Clerk read as follows:

Amendment No. 126: Page 95, line 17, insert the following:

"LOANS, GRANTS, AND RURAL REHABILITATION

"To enable the Secretary to continue to provide assistance through rural rehabilitation and grants to needy farmers in the United States, its Territories, and possessions, including (1) farm debt adjustment service, and making and servicing of loans and grants under this and prior laws; (2) loans to needy individual farmers; (3) grants; and (4) liquidation as expeditiously as possible of Federal rural rehabilitation projects under the supervision of the Farm Security Administration, \$29,607,573, which sum shall be also available for necessary administrative expenses incident to the foregoing, including personal services in the District of Columbia and elsewhere; compensation of experts (including the Administrator and not to exceed three Assistant Administrators of the Farm Security Administration) without regard to the Classification Act of 1923, as amended; purchase of lawbooks, books of reference, periodicals, and newspapers; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; and printing and binding: *Provided*, That the War Food Administrator shall transmit to the Congress semiannually a progress report with respect to the liquidation of Federal rural rehabilitation projects under the supervision of the Farm Security Administration, showing by name and by States all dispositions of such proj-

acts, or parts thereof, together with the amounts of Federal funds expended in the process of liquidation, and any losses incurred in the use of such funds.

"In making any grant payments under this act, the Secretary is authorized to require with respect to such payments the performance of work on useful public projects, Federal and non-Federal, including work on private or public land in furtherance of the conservation of natural resources, and the provisions of the act of February 15, 1934 (5 U. S. C. 796), as amended, relating to disability or death compensation, and benefits shall apply to those persons performing such work: *Provided*, That this section shall not apply to any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death.

"For additional funds for the purpose of making rural rehabilitation loans to needy individual farmers, the Reconstruction Finance Corporation is authorized and directed to make advances to the Secretary upon his request in an aggregate amount of not to exceed \$97,500,000. Such advances shall be made (1) with interest at the rate of 3 percent per annum payable semiannually; (2) upon the security of obligations acceptable to the Corporation heretofore or hereafter acquired by the Secretary pursuant to law; (3) in amounts which shall not exceed 75 percent of the then unpaid principal amount of the obligations securing such advances; and (4) upon such other terms and conditions, and with such maturities, as the Corporation may determine. The Secretary shall pay to the Corporation, currently as received by him, all moneys collected as payments of principal and interest on the loans made from the amounts so advanced or collected upon any obligations held by the Corporation as security for such advances, until such amounts are fully repaid. The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under the provisions of law in force on the date this act takes effect is hereby increased by an amount sufficient to carry out the provisions of this paragraph.

"None of the moneys appropriated or otherwise authorized under this caption ('Loans, grants, and rural rehabilitation') shall be used for (1) the purchase or leasing of land or for the carrying on of any land-purchase or land-leasing program; (2) the carrying on of any operations in collective farming, except for the liquidation as expeditiously as possible of any such projects heretofore initiated; or (3) the making of loans to any individual farmer in excess of \$2,500.

"The Secretary of Agriculture may expend funds administered by him as trustee under the various transfer agreements with the several State rural rehabilitation corporations only for purposes for which funds made available under this caption may be expended, and the limitations applicable to such funds shall also be applicable to the expenditure of such trust funds by the Secretary of Agriculture.

"The appropriation and authorizations herein made under the heading 'Loans, grants, and rural rehabilitation', shall constitute the total amount to be available for obligation under this heading during the fiscal year 1944 and shall not be supplemented by funds from any source.

"No part of the appropriation herein made under the heading 'Loans, grants, and rural rehabilitation' shall be available to pay the compensation of any person appointed in accordance with the civil-service laws."

Amendment No. 127: On page 99, line 7, insert the following:

"FARM TENANCY"

"To enable the Secretary to carry into effect the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), as follows:

"Salaries and expenses: For necessary expenses in connection with the making of loans under title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), and the collection of moneys due the United States on account of loans heretofore made under the provisions of said act, including the employment of persons and means in the District of Columbia and elsewhere, exclusive of printing and binding as authorized by said act, \$1,326,070.

"Loans: For loans to individual farmers in accordance with title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), \$30,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation at an interest rate of 3 percent per annum: *Provided*, That the amount which is available to any State or Territory for making loans under such title I shall be distributed by the secretary, in accordance with rules prescribed by him, among the several counties or parishes in such State or Territory, except that he shall not distribute to any such county or parish in excess of three times the amount which would be distributed to such county or parish were the entire amount available to the State or Territory distributed among the several counties or parishes in such State or Territory on the basis of farm population and the prevalence of tenancy; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum to the Secretary upon the security of any obligations of borrowers from the Secretary under the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006): *Provided*, That the amount loaned by the Reconstruction Finance Corporation shall not exceed 85 percent of the principal amount outstanding of the obligations constituting the security therefor: *Provided further*, That the Secretary may utilize proceeds from payments of principal and interest on any loans made under such title I to repay the Reconstruction Finance Corporation the amount borrowed therefrom under the authority of this paragraph: *Provided further*, That the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof."

Mr. TARVER. Mr. Speaker, I move that the House recede and concur in Senate amendments Nos. 126 and 127 with an amendment which is at the Clerk's desk.

The Clerk read as follows:

Mr. TARVER moves that the House recede from its disagreement to the amendment of the Senate numbered 126 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"LOANS, GRANTS, AND RURAL REHABILITATION"

"To enable the Secretary through the War Food Administration to continue to provide assistance through rural rehabilitation and grants to needy farmers in the United States, its Territories, and possessions, including (1) farm debt adjustment service, and making and servicing of loans and grants under this and prior laws; (2) loans to needy individual farmers; (3) grants; and (4) liquidation as expeditiously as possible of Federal rural rehabilitation, projects under the supervision of the War Food Administration, \$20,000,000, which sum shall be also available for neces-

sary administrative expenses incident to the foregoing, including personal services in the District of Columbia and elsewhere; compensation of experts without regard to the Classification Act of 1923, as amended; purchase of lawbooks, books of reference, periodicals, and newspapers; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; and printing and binding: *Provided*, That the War Food Administrator shall transmit to the Congress semiannually a progress report with respect to the liquidation of Federal rural rehabilitation projects, showing by name and by States all dispositions of such projects, or parts thereof, together with the amounts of Federal funds expended in the process of liquidation, and any losses incurred in the use of such funds.

"In making any grant payments under this Act, the Secretary is authorized to require with respect to such payments the performance of work on useful public projects, Federal and non-Federal, including work on private or public land in furtherance of the conservation of natural resources, and the provisions of the Act of February 15, 1934 (5 U. S. C. 796), as amended, relating to disability or death compensation, and benefits shall apply to those persons performing such work: *Provided*, That this section shall not apply to any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death.

"For additional funds for the purpose of making rural rehabilitation loans to needy individual farmers, who are unable to obtain credit elsewhere the Reconstruction Finance Corporation is authorized and directed to make advances to the Secretary upon his request in an aggregate amount of not to exceed \$60,000,000. Such advances shall be made (1) with interest at the rate of 3 percent per annum payable semiannually; (2) upon the security of obligations acceptable to the Corporation heretofore or hereafter acquired by the Secretary pursuant to law; (3) in amounts which shall not exceed 75 percent of the then unpaid principal amount of the obligations securing such advances; and (4) upon such other terms and conditions, and with such maturities, as the Corporation may determine: *Provided*, That no loan shall be made out of such funds except loans which have first been offered and refused by other leading agencies (including the Emergency Crop and Feed Division of the Farm Credit Administration, the production credit associations, and private lending agencies) customarily engaged in making loans of a similar character at comparable rates for the area where such loan is proposed to be made. The Secretary shall pay to the Corporation, currently as received by him, all moneys collected as payments of principal and interest on the loans made from the amounts so advanced or collected upon any obligations held by the Corporation as security for such advances, until such amounts are fully repaid. The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under the provisions of law in force on the date this act takes effect is hereby increased by an amount sufficient to carry out the provisions of this paragraph.

None of the moneys appropriated or otherwise authorized under this caption ('Loans, grants, and rural rehabilitation') shall be used for (1) the purchase or leasing of land or for the carrying on of any land-purchase or land-leasing program; (2) the carrying on of any operations in collective farming, or cooperative farming, or the organization, promotion or management of homestead associations, land-leasing associations, land-purchasing associations, or cooperative land pur-

the unit or the interest of the low-income family resident on it. It is my hope that considerably fewer than 1,500 units will remain in Government ownership on that date, and that all of them will be disposed of during the fiscal year 1945.

Sincerely yours,
CHESTER C. DAVIS,
Administrator.

I understand further that Mr. R. W. Hudgens, in the Department of Agriculture, has been assigned to the special job of liquidating these resettlement projects.

That includes, of course, all of the collective-farming projects and the other projects which have brought this program into disrepute. Let me say further that we have been assured that in the future in administering the rehabilitation program a new policy will be inaugurated; in other words, in the past they have not used local committees of farmers in determining the need and eligibility of applicants for rehabilitation loans, but in the future committees of local farmers will be used in the rehabilitation program just as they have been used in the tenant purchase program in the past.

I want to congratulate my good friend, the gentleman from Georgia [Mr. TARVER], upon the very thoughtful consideration he has given to this very worthwhile program. I personally feel that the administrative allowance of \$20,000,000 is insufficient. The fact remains that this agency of the Government has been administering loans and property which is valued at approximately \$1,000,000,000, but it is hoped, of course, that this \$20,000,000 may be sufficient. I believe we all know that a drastic operation needed to be performed upon certain programs which were being administered by the Farm Security Administration. We have every reason to believe the subcommittee of the Committee on Agriculture now investigating the Farm Security Administration will be able to suggest some legislation to the House which will form a legislative basis for the rural rehabilitation program and the tenant purchase program in the future.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. VOORHIS of California. I should just like to point out in connection with administrative expense that that money has got to go to the servicing of the loans made as well as the money contained in this bill, and I cannot see how it is going to be adequate.

Mr. COOLEY. And the loans heretofore made, added to the property which they now possess, total approximately \$1,000,000,000. I do not believe we need fuss about that at the moment, because if the money proves to be insufficient, I am certain Congress will provide the necessary funds.

Mr. LAMBERTSON. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. LAMBERTSON. It is the general understanding of both conference committees that there will not be any appro-

priation next year unless there is legislation from the Committee on Agriculture.

Mr. COOLEY. I may say to the gentleman from Kansas that I know the members of that special committee are earnestly trying to discover the real facts with regard to the Farm Security Administration.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. TARVER. Mr. Speaker, I yield the gentleman from North Carolina 2 additional minutes.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. ZIMMERMAN. I ask my colleague from North Carolina if he does not believe that at present prices of farm commodities there will be less need for such loans during the coming fiscal year?

Mr. COOLEY. I assume the gentleman is correct, but I likewise assume that loans will not be made unless they are actually needed.

Mr. ZIMMERMAN. According to the testimony that has come to our committee, some of the projects which have brought objection to Farm Security have been changed, particularly the manner in which some loans have been made.

Mr. COOLEY. I agree with the gentleman that in many cases they have made excessive loans, but looking at the over-all picture I still believe that had the Secretary of Agriculture administered the rural rehabilitation loans and the tenant purchase loans through the Corporation which Congress itself created, to wit, the Farmers' Home Corporation, that the program would today be very popular, but instead of doing that he mixed it up with a lot of these very unpopular and un-American activities, such as collective farming and other things that have brought it into disrepute.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. DIRKSEN. I want to reinforce what the gentleman from Kansas said about this stopgap. This does not mean that this activity can steadily grow. It remains for the gentleman's subcommittee which is investigating this matter to bring in a bill which will deal with the matter.

Mr. COOLEY. I understand that to be the situation. I understand further that it is the purpose of this committee to recommend basic legislation for the future program.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has again expired.

Mr. TARVER. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia.

The motion was agreed to.

Mr. TARVER. Mr. Speaker, I ask that amendment numbered 125 be now reported.

The SPEAKER pro tempore. Without objection, the Clerk will report amendment numbered 125.

There was no objection.

The Clerk read as follows:

Amendment No. 125: On page 95, line 6 strike out lines 6 through 16, inclusive.

Mr. TARVER. Mr. Speaker, I move that the House recede in its disagreement to the amendment of the Senate numbered 125 and concur in the same.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 128: On page 101, strike out lines 13 to 25 inclusive, and on page 102, strike out lines 1, 2, and 3.

Mr. TARVER. Mr. Speaker, I move that the House recede and concur in Senate amendment numbered 128 with an amendment which is at the Clerk's desk.

The Clerk read as follows:

Mr. TARVER moves that the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Sec. 2. No part of any appropriation contained in this act or authorized hereby to be expended shall be used to pay the compensation or expenses of any officer or employee of the Department of Agriculture, or any bureau, office, agency, or service of the Department, or any corporation, institution, or association supervised thereby, who makes or approves, or directs or authorizes any other officer or employee of the Department or of any such bureau, office, agency, service, corporation, institution, or association to make or approve, (1) any loan or advance under the provisions of food production financing bulletins F-1 or F-2, issued by the Farm Credit Administration operating under the Food Production Administration, Production Loans Branch, as heretofore or hereafter amended, unless (a) the applicant represents in writing and it is administratively determined that credit sufficient in amount to finance the production of the crops or livestock specified in the application is not available to him from sources other than the Regional Agricultural Credit Corporation or is available from other sources only on such terms and conditions that he could not use the other credit available to the extent necessary to produce the entire quantity of such crops or livestock specified in his application and (b) the person authorized to approve the loan or advance on behalf of the Regional Agricultural Credit Corporation finds that a greater quantity of the crops or livestock specified in the application would be likely to be produced if the loan or advance is made than would be produced otherwise, or (2) any loan or advance under the provisions of Section 201 (e) of the Emergency Relief and Construction Act of 1932 (12 U. S. C. 1143), as amended (other than loans or advances under bulletins F-1 and F-2 made or approved on the conditions specified in this section) except (a) in regions in which loans or advances had been made under said section 201 (e) of the Emergency Relief and Construction Act of 1932 within 1 year prior to December 1, 1942, or (b) in any region which the Secretary of Agriculture shall have designated as a region in which the making of such loans or advances is necessary in order to finance the production of crops or livestock that otherwise would not be produced in such region: *Provided*, That none of the limitations provided for by this section shall

apply with respect to any loan or advance made or approved before the date this act becomes effective, or to the disbursement either before or after such date of any part of the proceeds of any loan or advance theretofore made or to any loan or advance made or approved at any time for the purpose of financing the completion of production undertaken before such date or for the purpose of protecting or preserving the security for or assisting in the collection or liquidation of any loan or advance made or approved before such date."

Mr. TARVER. Mr. Speaker, there is a typographical error in the first portion of the motion just reported. Where the language is used "in lieu of the matter inserted by said amendment" the language should be "in lieu of the matter stricken by said amendment."

The SPEAKER pro tempore. Without objection, the motion offered by the gentleman from Georgia [Mr. TARVER] will be so modified.

There was no objection.

Mr. TARVER. Mr. Speaker, this substitute language has been agreed to unanimously by the House and Senate conferees. Unless some one desires to discuss the matter, I ask for a vote.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield me a minute or two?

Mr. TARVER. Mr. Speaker, I yield to the gentleman 5 minutes.

[Mr. DIRKSEN addressed the House. His remarks will appear hereafter in the Appendix.]

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia [Mr. TARVER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 129: Page 102, line 4, strike out "3" and insert "2."

Mr. TARVER. Mr. Speaker, this is merely the correction of a section number. There are several of these amendments relating to the correction of section numbers, namely, amendments numbered 129, 130, 131, 132, and 133. I ask unanimous consent that all of these amendments be reported and that they be considered together.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendments in disagreement.

The Clerk read as follows:

Amendment No. 130: Page 102, line 12, strike out "4" and insert "3."

Amendment No. 131: Page 102, line 22, strike out "5" and insert "4."

Amendment No. 132: Page 103, line 14, strike out "6" and insert "5."

Amendment No. 133: Page 104, line 1, strike out "7" and insert "6."

Mr. TARVER. Mr. Speaker, I move that the House insist on its disagreement to amendments numbered 129, 130, 131, 132, and 133.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 134: Page 105, line 8, insert the following:

"Sec. 7. That notwithstanding the provisions of the Agricultural Adjustment Act of 1938, as amended, or any other provision of law, any owner, lessee, tenant, or operator of any farm land on which a substantial part of any crop was destroyed or damaged by flood or by insect infestation in 1943 so that abandonment or replanting of such crop is necessary, may market without penalty the actual production of cotton from any acreage planted on such farm land and the planting in 1943 of any acreage in excess of the farm cotton acreage allotment on such farm land shall not cause the producer to suffer any deduction or loss of eligibility for payment, commodity loans, or price support: *Provided*, That the acreage in excess of the farm acreage allotment in 1943 shall not constitute past acreage or past production of cotton in determining the farm, county, or State acreage allotment for any subsequent year."

Mr. TARVER. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. McCormack].

Mr. MCCORMACK. Mr. Speaker, I have been requested to make an announcement to the Members of the House. The War Department has advised me that the trip to New York on Friday next has been postponed, the War Department finding it necessary to postpone the trip at this time.

Mr. TARVER. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. Wickersham].

Mr. WICKERSHAM. Mr. Speaker, I just want to say that this amendment contains the same provisions as were passed by this House recently in the Monroney bill.

The SPEAKER. The question is on the motion offered by the gentleman from Georgia.

The motion was agreed to.

On motion of Mr. TARVER, a motion to reconsider the votes by which action was taken on the several motions was laid on the table.

Mr. TARVER. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendments which are still in disagreement and ask for a conference with the Senate upon the disagreeing votes of the two Houses, and that conferees be appointed on behalf of the House.

The motion was agreed to.

The SPEAKER appointed the following conferees on the part of the House: Messrs. TARVER, CANNON of Missouri, SHEPPARD, WENE, LAMBERTSON, DIRKSEN, and PLUMLEY.

EXTENSION OF REMARKS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extent my own remarks in the RECORD and include therein a report on the Canadian gas-rationing system as presented by the Automobile Club of Rochester.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[The matter referred to appears in the Appendix.]

URGENT DEFICIENCY APPROPRIATION BILL, 1943

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of this day.)

Mr. CANNON of Missouri. Mr. Speaker, just a word by way of preface relative to the status of the supply bills for the session.

The Committee on Appropriations reported to the House today the second deficiency appropriation bill, the last of the appropriation bills, we trust, for the first session of the Seventy-eighth Congress. The appropriation bills are now in comparatively favorable position. Four have gone to the President—the civil functions, independent offices, Navy, and legislative appropriation bills.

Five are in conference—Treasury; State, Justice, and Commerce; Interior; District of Columbia; and Agriculture. All these should be disposed of and forwarded to the White House by the close of the week.

The passage of the second deficiency tomorrow will leave the remaining four bills, the second deficiency, military, Labor-Federal Security and war agencies, in the Senate committee.

The Fourth of July falls this year on Sunday—a week from next Sunday. That leaves a week and a half in which to secure final action. And as a large part of the preliminary work has already been done on these bills, it is not wholly without the realm of possibility that, so far as the appropriations for the session are concerned, we should be ready for a recess by Independence Day. It offers a very happy method of celebrating that auspicious occasion.

Mr. Speaker, the pending report is of more than passing interest due to the fact that the urgent deficiency appropriation bill carries funds to meet pay rolls of every agency of the Government with the exception of the Army and Navy and the dead line is June 30.

The differences between the two Houses were confined to two items, one imposing limitations on the President's expenditures from his emergency fund, and the other denying funds for payment of salaries of three employees charged with affiliation with subversive organizations.

As to the first, it will be recalled that the bill, as reported to the House, car-

ried a provision making available the unexpended balance in the President's emergency fund. An amendment offered by the gentleman from New York [Mr. TABER] prohibiting allocations from the fund to the National Resources Planning Board or the Farm Security Administration, was adopted when the bill reached the floor. The Senate struck out this provision and substituted restrictions of a general character. In conference both Houses agreed to withdraw all limitations on expenditures or allocations from the President's fund, leaving the provision relating to the fund as first reported to the House by the Committee on Appropriations.

I may say that the agreement on the part of the House managers, to recede from disagreement with the Senate amendment striking out the denial of allocations for the National Planning Board or the Farm Security Administration from the President's funds, was due to the fact that subsequent legislation has obviated the necessity for the provision.

The independent offices appropriation bill prohibited allocations to the National Planning Board from any source other than the appropriation for that purpose in that bill. The amendment to the agricultural appropriation bill adopted on the floor this afternoon carries a similar provision prohibiting the allocation of funds to the Farm Security Administration from any source other than that provided in the agricultural appropriation bill, rendering superfluous the language eliminated from the House bill by Senate amendment 5.

On the second point of difference between the two Houses, the provision denying funds for salaries of the three employees charged with subversive affiliations, the Senate receded from its disagreement and the three employees, Goodwin B. Watson, Wm. E. Dodd, Jr., and Robert Morss Lovett are denied salaries from any appropriation hitherto made or hereafter to be made.

Mr. Speaker, the report is a unanimous report and is approved by all House managers on both sides of the aisle and also, I am informed, by managers on the part of the Senate. I trust it will likewise meet with the approval of all Members of the House.

Mr. Speaker, if there are no further inquiries on the conference report, I will yield to the gentleman from New York [Mr. TABER], the ranking minority member of the committee, such time as he may require.

Mr. TABER. Mr. Speaker, the first amendment related to the restrictions on the President's funds. We eliminated that because the first item that the House put on is taken care of in the independent offices appropriation bill and the second item in the agricultural appropriation bill. The only restrictions left on the President's funds are those originally put on when the fund was created. The conference report also keeps in the bill the amendment offered by the gentleman from North Carolina [Mr. KERR], keeping three men off the pay roll. I think the conference report

should be adopted. It is signed by all of the conferees on both sides, and at both ends of the Capitol.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

SAFEGUARDS TO RADIO COMMUNICATIONS, UNITED STATES SHIPS

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Concurrent Resolution 15, which I send to the desk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed, in the enrollment of the bill (H. R. 2612) to extend the effective date of the act of December 17, 1941, relating to additional safeguards to the radio communications service of ships of the United States, to make the following change in Senate engrossed amendment No. 1, viz: In the language inserted by said amendment, before the word "until", insert "period"; so that the phrase inserted will read: "period until July 1, 1945."

The SPEAKER. Is there objection?

There was no objection.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article by Arthur Krock.

The SPEAKER. Is there objection?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. PATTON. Mr. Speaker, I ask unanimous consent to extend my remarks and include a statement with reference to the shortage of iron and steel in this war program, and of the conduct of the War Production Board in turning down applications to them by smaller industries.

The SPEAKER. Is there objection?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. ROGERS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article from Time magazine.

The SPEAKER. Is there objection?

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. WHITE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a letter on the subject of the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection?
There was not objection.

[The matter referred to appears in the Appendix.]

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects and include certain excerpts.

The SPEAKER. Is there objection?
There was no objection.

[The matter referred to appears in the Appendix.]

EXTENSION OF REMARKS

Mr. PACE. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon.

The SPEAKER. Is there objection?
There was no objection.

IRVING SWANSON—READING CLERK

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?
There was no objection.

Mr. PLUMLEY. Mr. Speaker, I want to cooperate with the Speaker to the extent of recognizing the very valuable service which has been rendered this House, all alone, by the reading clerk, Irving Swanson, throughout this tedious day.

As a long time legislative clerk, I realize perhaps more fully than some others might the obligations and duties which devolve upon our friend Swanson, and perhaps therefore am more disposed to sympathize with him than some others might be. He has done a very fine job and he is to be commended. We should all cooperate in these days when he is doing this job alone, to make it as easy for him as we possibly can.

The SPEAKER. The time of the gentleman from Vermont has expired.

EXTENSION OF REMARKS

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today.

The SPEAKER. Is there objection?
There was no objection.

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

CONSTRUCTIVE CRITICISM

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

(By unanimous consent, Mr. HOFFMAN was granted permission to revise and extend his remarks.)

Mr. HOFFMAN. Mr. Speaker, today, as on several previous occasions, the majority leader [Mr. MCCORMACK]—and I note he is on the floor before me—took occasion to lament the fact that I had called attention to various shortcomings on the part of the administration.

The gentleman suggested that inasmuch as we were at war it would be better if we would not point out any of the soft spots, to put it leniently, that possibly might exist in the administration's activities.

Mr. McCORMACK. Will the gentleman yield right there?

Mr. HOFFMAN. Yes; I yield.

Mr. McCORMACK. The gentleman wants to quote the gentleman from Massachusetts correctly, does he not?

Mr. HOFFMAN. If possible, if the gentleman does not change his mind and his words too rapidly.

Mr. McCORMACK. The machine-gun chatter of my friend is impossible to compete with. My remarks today were with reference to the gentleman's remarks on the unfortunate situation in Detroit. I have never taken the position that constructive criticism was not in order. I have repeatedly stated that I welcomed it, and that constructive criticism always brought about beneficial results.

Mr. HOFFMAN. The gentleman is absolutely correct in that. The only difficulty grows out of the fact that sometimes it appears to him there is no such thing as constructive criticism. That any criticism of the New Deal is wrong. The situation is different when Republicans are criticized as, for example, when a Member of the majority [Mr. Celler of New York] last night called attention to the statements of Governor Dewey of New York—and that speech of the gentleman from New York [Mr. Celler] sounded as though it had been written by that expert smear artist, Charlie Michelson—apparently Governor Dewey could not possibly say anything that was constructive if he criticized the New Deal. Now the point which I make is this, that as long as it is permissible for Members of the majority party in both Houses, in and out of Congress, to criticize publicly and to publish their views in the newspapers, I know of no reason why another citizen, who, on occasion, pays taxes and who has been elected to represent a congressional district, the Fourth of Michigan, should not venture to express a little criticism if he has a remedy.

I call the gentleman's attention to the fact that I have always, without exception, whenever I have criticized, introduced a bill which I thought, in my misguided way, might tend to eradicate a wrong. For example, with reference to the strike situation. Sometime ago I introduced a bill which was an amendment to the Selective Training and Service Act, which provided that when a man went on strike in an essential defense industry he should within 70 days find a job in another essential defense industry, and that failing in that effort to find a job, he should then be inducted, regardless of age or physical condition, into the armed forces as a private, receiving a private's compensation, and that this Government of ours, this New Deal government of ours, anxious for social reforms, anxious that no one should be unemployed, should be without a job, should then assign him to a job at the Government pay given the

inducted man. When boys quit, when men quit and cannot find work in an essential war industry, as, for example, in the mines, or they cannot find a job in a factory or they cannot find work on a farm, then the officer in charge of that military district should find that man a job either in mine, factory, or on a farm, or if they preferred, send them over to Africa, or down to the South Sea Islands, and let them take over the job of one of the boys down there, who, I am sure, would be willing to return and accept the job that was left vacant here at home by the striker.

This morning's discussion was brought up by the fact that some on the majority side saw fit to point the finger of reproach toward Michigan, toward the city of Detroit, where this disgraceful riot occurred, where those men met death because of the rioting. My reply was that if Michigan had been left alone in days gone by there would have been none of that rioting in our fair State.

That was the burden of my argument, and I am going to continue every time I have the privilege, if I can get to the floor again—I am going to continue to assert that if Michigan is left alone, if the New Deal will keep its fingers out of Michigan, if they will quit trying to intermingle the races in Michigan and pay some attention to the protests that are made, Michigan will take care of herself, and she will demonstrate to the world that our people are loyal, patriotic, and will do their part—and more—toward the defeat of our enemies.

It is a strange thing indeed that from the floor, publicly, come these statements, in support of the New Deal, but as you walk through the halls and meet the Members of the majority side, you get another and an utterly different viewpoint. Many a Democrat is sick at heart because of the New Deal.

So far as I am concerned there is nothing off the record, and if anyone wishes to disagree with me on the floor that is his privilege. I welcome it. But when you take me to task, just remember there are usually two sides to every argument.

But I repeat again, let Michigan alone and she will take care of her own troubles. If the Federal Government will let Michigan alone the State authorities, under the present Republican administration, with a Governor who served in the last war and who lost a leg in that world war, Michigan, under Governor Kelly, will get along all right; will lead the way in all war and good citizenship activities.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. MAGNUSON, for 3 days, on account of official business.

Mr. SHEPPARD, for 10 days, on account of official business.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 219. An act to equalize certain disability benefits for Army officers.

BILLS PRESENTED TO THE PRESIDENT

Mr. KLEIN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 1762. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1944, and for other purposes;

H. R. 2556. An act for the relief of Burton S. Rådford; and

H. R. 2713. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1944, and additional appropriations therefor for the fiscal years ending June 30, 1942, and June 30, 1943, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until tomorrow, June 24, 1943, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE CIVIL SERVICE

(Thursday, June 24, 1943)

The Committee on the Civil Service will hold a public hearing on Thursday, June 24, 1943, at 10 a. m. (H. Res. 16), for further investigation and studies of the policies and practices relating to civilian employment in governmental departments, room 246, Old House Office Building.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(Thursday, June 24, 1943)

The Subcommittee on Unemployment Insurance of the Committee on the Merchant Marine and Fisheries will consider in open hearings on Thursday, June 24, 1943, at 10 a. m., committee prints Nos. 1 and 2, dated June 7, 1943, relative to unemployment insurance for merchant seamen.

The subcommittee will also consider committee print No. 3, dated June 17, 1943, which supersedes committee print No. 2.

COMMITTEE ON THE POST OFFICE AND POST ROADS

(Thursday, June 24, 1943)

The Committee on the Post Office and Post Roads will meet on Thursday, June 24, 1943, for the consideration of a bill relating to leave of absence to postmasters, and a bill amending the act fixing the hours of duty of postal employees. Public hearings will be held.

COMMITTEE ON THE JUDICIARY

(Friday, June 25, 1943)

Subcommittee No. 4 of the Committee on the Judiciary will conduct hearings on H. R. 2203, a bill to amend the Judicial Code in respect to the original jurisdiction of the district courts of the United States in certain cases, and for other purposes, at 10 a. m., on Friday, June 25, 1943, in room 346, Old House Office Building, Washington, D. C.

(Wednesday, June 30, 1943)

The Special Subcommittee on Bankruptcy and Reorganization of the Committee on the Judiciary will conduct further hearings on H. R. 2857, a bill to

URGENT DEFICIENCY APPROPRIATION BILL, 1943

JUNE 23, 1943.—Ordered to be printed

MR. CANNON of Missouri, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 2714]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years and for other purposes, having met after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 60 and 61.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment numbered 5, and agree to the same with an amendment as follows:

Omit all of the matter proposed to be stricken out by such amendment and omit all of the matter proposed to be inserted in lieu thereof by action of the Senate and House of Representatives; and the Senate agree to the same.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JOHN TARER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,

Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
MILLARD E. TYDINGS,
H. C. LODGE, JR.,

Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on Senate amendments numbered 5, 60, and 61 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

No. 5: The original House bill carries provision extending until June 30, 1944, the unexpended balance in the President's emergency fund on June 30, 1943. To this provision the House added a prohibition on the use of the fund for making allocations to the National Resources Planning Board and the Farm Security Administration. The Senate struck out this provision and inserted language of a general character restricting the use of the fund. The House adopted the Senate proposed language modified so as to make exemptions for the Army, Navy, State Department, and Office of Strategic Services but left the Senate language applicable to all other Federal agencies. The Senate accepted the House modification of the Senate language but added a further exception for the Federal Bureau of Investigation. The conference agreement omits the original House amendment relating to the National Resources Planning Board and the Farm Security Administration, and also omits all other proposed substitute language of the Senate and House and leaves the continuation of the fund in the form originally reported to the House by the Committee on Appropriations. The House provision relating to the Planning Board and Farm Security is covered in other measures. The independent offices appropriation bill, 1944, contains provision prohibiting the funds for that Board in that bill from being supplemented from any other source and similar provision with respect to Farm Security is contemplated in connection with the agricultural appropriation bill, 1944, now pending.

Nos. 60 and 61, relating to Goodwin B. Watson, Wm. E. Dodd, Jr., and Robert Morss Lovett: The Senate recedes from its amendment striking out the section in the House bill prohibiting the use of Federal funds for continuation of their employment in the Federal service.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,

Managers on the part of the House.



further. So far as I am concerned I am not pressing for a vote at this time.

I should like to say further to the Senator in connection with what he has said, that I realize that many Senators are busy in committee. I have done everything I possibly could to familiarize the Senate with the provisions of my amendment. I introduced it first in the form of a separate bill, and then I offered it at this time as an amendment to the committee amendment to the bill. I have done everything I possibly could to familiarize Senators with the purposes of my amendment.

Mr. McCARRAN, Mr. MALONEY, and Mr. McNARY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield, and if so to whom?

Mr. O'MAHONEY. The Senator from Connecticut has repeatedly asked me to yield, and the Senator from Nevada [Mr. McCARRAN] wants to file a report from the Appropriations Committee. I yield to the Senator from Nevada for that purpose first, and then I shall yield to the Senator from Connecticut, after which I shall yield to the Senator from Oregon.

REPORT OF COMMITTEE ON APPROPRIATIONS—LABOR DEPARTMENT AND FEDERAL SECURITY APPROPRIATIONS

Mr. McCARRAN. Mr. President, from the Committee on Appropriations I report back favorably with amendments the bill (H. R. 2935) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1944, and for other purposes, and I submit a report (No. 342) thereon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. McGill, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1648) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1944, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2798) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROBINSON of Utah, Mr. WHITTINGTON, and Mr. WOLCOTT were appointed managers on the part of the House at the conference.

CONTINUATION OF COMMODITY CREDIT CORPORATION

The Senate resumed the consideration of the bill (S. 1108) to continue Commodity Credit Corporation as an agency of the United States, increase its borrowing power, revise the basis of the an-

nual appraisal of its assets, and to provide for an audit by the General Accounting Office of the financial transactions of the Corporation, and for other purposes.

Mr. O'MAHONEY. I now yield to the Senator from Connecticut.

Mr. MALONEY. Mr. President, I attempted to get the floor in my own right at the time the Senator from Wyoming obtained the floor. When I entered the Chamber I came from a very important meeting of the Appropriations Committee. We were completing work on the bill just reported from that committee by the Senator from Nevada [Mr. McCARRAN].

I am greatly concerned about the pending amendment. I am very fearful of its consequences. It would probably hit the section of the country whence I come more than any other section. Last year, after very careful deliberation, the Senate agreed that the Reconstruction Finance Corporation should provide subsidies in connection with the transportation of coal and oil. I should have discussed this matter earlier had I been present, and, as I said a moment ago, I attempted to obtain the floor as soon as I came to the Chamber, in order to point out that if the amendment, as presently drawn, should prevail, it would not only wipe out transportation subsidies affecting coal and oil, but would place many industries at a time when they are contributing so much to the war program at a terrific disadvantage compared with industries in other localities.

The Senate almost in its entirety has long since agreed with respect to those particular subsidies. I share the feeling of the Senator from Wyoming, to whom I am grateful for having yielded to me, that it is next to impossible hurriedly to draft an amendment which might provide the protection so sorely needed. Unless time shall be given to prepare such an amendment, I hope that the amendment offered by the Senator from Missouri may be rejected, because its consequences, if it should be adopted, would be very serious and harmful to the war program.

Mr. McNARY. Mr. President—

Mr. O'MAHONEY. I promised I would yield to the Senator from Oregon, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. McNARY. I do not ask to obtain the floor. I wish only to offer a suggestion. I see the difficulties under which the able Senator from Wyoming, and the able Senator from Connecticut, and others are laboring. I also realize that two conference reports are about to be presented. I wish to suggest to my distinguished friend across the aisle, the acting majority leader, that we now postpone further consideration of the pending bill, and proceed to consider the conference reports, after which I propose that when the Senate takes a recess it meet tomorrow at 11 o'clock a. m. Does that meet with the Senator's approval?

Mr. O'MAHONEY. Mr. President, I think that would be a very happy solution.

Mr. McKELLAR. I hope that will be done.

Mr. HILL. Mr. President, the Senator from Tennessee [Mr. McKELLAR] is anxious to proceed to consideration of two conference reports. While I have the floor let me say that the Senate must consider these two conference reports, and also must dispose of the pending bill, as well as dispose of the appropriation bill which has just been reported by the senior Senator from Nevada [Mr. McCARRAN] making appropriations for the Labor Department and the Federal Security Administration. We may have other measures from the Appropriations Committee to consider. As matters now stand I wish to say that it is entirely possible, perhaps I should say probable, that we will have a Saturday session.

Mr. McNARY. Oh, yes.

Mr. MALONEY. It is about certain, is it not?

Mr. HILL. I should say, as matters now stand, it is quite certain we shall be obliged to have a Saturday session.

Mr. GEORGE. I offer, and ask to have printed and lie on the table, an amendment to the pending amendment offered by the Senator from Missouri [Mr. CLARK], to add at the end thereof the following language:

Provided further, That the Reconstruction Finance Corporation is authorized to borrow money and pay (a) to shippers of commodities or others the increased costs of transportation resulting from the war emergency, and (b) to pay subsidies relating to, or purchase for the purpose of selling at a loss, strategic and critical materials necessary to the manufacture of equipment and munitions of war for the United States Government or any of the United Nations, and to subsidize the high cost production of minerals to increase the production thereof.

Mr. President, I should like to say that the language in this amendment is taken bodily from the amendment intended to be proposed by the Senator from Alabama [Mr. BANKHEAD] on behalf of the Committee on Banking and Currency, to take care of the two particular features of the bill to which the Senator from Wyoming and others have referred.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. CLARK of Missouri. I should like to say that, so far as I am concerned, the proposed amendment is entirely agreeable to me. I should like to have the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Colorado [Mr. JOHNSON], and the Senator from Connecticut [Mr. MALONEY], who are interested in the matter, discuss the proposal, but I assume the matter can go over until tomorrow.

Mr. GEORGE. I ask that my proposed amendment be printed and lie on the table.

The VICE PRESIDENT. The amendment presented by the Senator from Georgia will be printed and will lie on the table.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS— CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 1648) making appropriations for the Treasury and Post Office Departments, for the fiscal year ending June 30, 1944, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the amendment of the Senate numbered 1 and agree to the amendment of the Senate.

Amendment numbered 26: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out and inserted by the said amendment and amendment thereto insert the following:

"Sec. 204. The Joint Committee on Investigation of Nonessential Federal Expenditures is hereby directed to make a study of the problem of penalty mail in all of the departments and branches of the Government, with a view to eliminating unnecessary volume and reducing costs, and shall report its findings and recommendations by bill or otherwise to Congress not later than the first day of the next regular session of the Seventy-eighth Congress. The departments and agencies of government shall furnish such information and detail such personnel as may be requested by the Committee to assist in its investigation."

And the House agree to the same.

KENNETH McKELLAR,
PAT McCARRAN,
H. C. LODGE, Jr.,
WALLACE H. WHITE, Jr.,

Managers on the part of the Senate.

LOUIS LUDLOW,
EMMETT O'NEAL,
GEORGE MAHON,
JAMES M. CURLEY,
JOHN TABER,
FRANK B. KEEFE,
HENRY C. DWORSHAK,

Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. McNARY. Mr. President, let me ask what the report is?

Mr. McKELLAR. A report from the conference committee on the Treasury and Post Office appropriation bill. There are only two items still in difference between the two Houses.

Mr. McNARY. Is the report final?

Mr. McKELLAR. It is a final report. It is a report on the last two amendments remaining in difference.

Mr. President, let me explain to the Senate that two amendments in the bill have been widely controversial, holding up its final passage for 2 or 3 months or more. The first amendment is one relative to silver. Senators will recall it. The House inserted as an amendment to the appropriations bill a provision concerning silver and the uses of silver. The passage the other day of the bill of the distinguished Senator from Rhode Island [Mr. GREEN] satisfied the House, so far as the silver amendment was concerned, and after the bill of the Senator from Rhode Island was passed the House receded from its position on the amend-

ment. That is the report as to that matter.

The other amendment is in reference to use of the mails. The House inserted a provision, as I recall, that after January 1, all the departments and agencies of the Government should no longer use the mails free. After many conferences, private, public, secret, and of every other kind, we finally agreed that the question of use of the mails should be referred to the Joint Committee on Reduction of Nonessential Federal Expenditures, the committee known as the Byrd committee. I think that course is satisfactory to everyone.

The report was signed by all the conferees, and I think it is a very happy solution of the two matters. Mr. President, I ask that the conference report be considered and agreed to.

Mr. DOWNEY. Mr. President, let me inquire of the Senator from Tennessee whether the conference report is the one which deals with the inhibition against the employment of the three persons to whom reference has been made.

Mr. McKELLAR. No; Mr. President, it is not. I say to the Senator that I shall present that conference report in a few moments, but it has not as yet been reached.

Mr. DOWNEY. I thank the Senator.

The VICE PRESIDENT. Is there objection to the present consideration of the report? The Chair hears none, and, without objection, the report is agreed to.

URGENT DEFICIENCY APPROPRIATIONS— CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years and for other purposes, having met after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 60 and 61.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment numbered 5, and agree to the same with an amendment as follows: Omit all of the matter proposed to be stricken out by such amendment and omit all of the matter proposed to be inserted in lieu thereof by action of the Senate and House of Representatives; and the Senate agree to the same.

KENNETH McKELLAR,
CARL HAYDEN,
MILLARD E. TYDINGS,
H. C. LODGE, Jr.,

Managers on the part of the Senate.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMETT O'NEAL,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,

Managers on the part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. CLARK of Missouri. Mr. President, I shall suggest the absence of a quorum before a vote is taken on agreeing to the conference report.

Mr. McKELLAR. I ask the Senator to withhold suggesting the absence of a quorum until I have an opportunity to answer the question of the Senator from California.

Mr. DOWNEY. Yes; Mr. President, I desire to ask a question of the Senator from Tennessee.

Mr. McKELLAR. The conference report is the one to which the Senator from California has referred.

Mr. DOWNEY. I desire to make some remarks relative to the report.

Mr. McKELLAR. Of course, the Senator will have an opportunity to do so.

Mr. CLARK of Missouri. Mr. President, the matter seems to me a very important one. Therefore, I desire to suggest the absence of a quorum. I understand that the Senate conferees have receded from the position which was taken by the Senate by a unanimous vote, a vote of 69 to 0. It seems to me that the matter should be carefully considered by the Senate. Therefore, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Reed
Andrews	Hawkes	Revercomb
Ball	Hayden	Reynolds
Bankhead	Hill	Robertson
Bilbo	Holman	Scruggs
Bone	Johnson, Colo.	Shipstead
Brewster	Kilgore	Smith
Bridges	La Follette	Stewart
Brooks	Langer	Taft
Buck	Lodge	Thomas, Idaho
Burton	McCarran	Thomas, Okla.
Butler	McClellan	Thomas, Utah
Byrd	McFarland	Tobey
Capper	McKellar	Truman
Caraway	McNary	Tunnell
Chandler	Maloney	Tydings
Chavez	Maybank	Vandenberg
Clark, Mo.	Mead	Van Nuys
Connally	Millikin	Wagner
Davis	Moore	Wallgren
Downey	Murdoch	Walsh
Eastland	Murray	Wheeler
Ferguson	Nye	Wherry
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Green	Overton	Willis
Guffey	Pepper	Willson
Gurney	Radcliffe	

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

Mr. McKELLAR. Mr. President, for the reason that the Senate voted unanimously in favor of its amendment as to the three so-called subversives, I have concluded to do something I do not often do, to read from a written document which I have prepared:

Mr. President, after weeks of conferences your committee has agreed with the House committee on the two items of difference that have held up the conference so long. The House has adopted the report, and it is here for the Senate's consideration at this time. The two items of difference are: First, the limitations on the appropriation for the salaries of Goodwin B. Watson, William E. Dodd, Jr., and Robert M. Lovett. The Senate

is entirely familiar with the question. The House voted about 5 to 1 in favor of sustaining their view of the matter, and it was brought back to the Senate; and the Senate voted unanimously, something that is rarely ever done, in favor of the Senate's view. But after a number of other conferences and side talks of all kinds, we reached the conclusion that there would be no bill—that is, no urgent deficiency bill—unless the Senate yielded on this question. There is about \$143,000,000, a large part of it in salaries, that ought to be paid, and we did not feel it was right to disregard all the men against whom nothing has been raised and deprive them of salaries because of the three in question.

Mr. President, the question of these three men charged with holding views subversive to the Government, and as to which men the House by amendment had directed that no part of the appropriation be paid to them, has given us the greatest trouble. It has frequently been up before, and always arouses the greatest trouble. The House passed it by a vote of 318 to 62—more than 5 to 1—and the Senate struck out the amendment. After the House had voted, the provision was brought back to the Senate and the Senate upheld it unanimously, as before stated.

Mr. President, the Senate conferees have vigorously and earnestly maintained the position taken by the Senate, that the provision of the House bill prohibiting the use of funds appropriated thereunder to pay the three named individuals is indefensible as a matter of procedure. They also maintained that the facts as to the belief in revolutionary principles were not brought before either the House or the conference in a proper way.

The House provision excluding these three men from public employment, or rather, providing that no salary shall be paid them, which is the same as exclusion, had no evidence except the report of the Kerr committee appointed in the House. The Kerr committee held secret sessions, and the testimony and findings have never been published. All the evidence taken by the Senate conferees was taken in the open before the committee, and all of it was favorable to the three men.

Under the decision in the Myers case the President has the right to discharge Government employees, but there is no provision in the Constitution which allows Congress to discharge them. Of course, the Congress does not discharge them, but it deprives them of their salaries, which means the same thing. The majority of our committee do not believe that under the Constitution Congress has the right to get rid of employees in that way, even after full hearings. We argued this question time and again with the House Members, but to no avail.

The urgent deficiency bill includes many appropriations essential to the prosecution of the war and to the proper conduct of the Government. The House conferees have refused to agree to any urgent deficiency bill which does not include this provision, but some members of our committee think it is unconstitu-

tional. However that may be, in order to get a bill we had to agree to this provision of the House bill. The Senate conferees have most reluctantly felt obliged to yield to this unjust provision in order to get the appropriation bill out of Congress and enacted into law.

This matter has come up a number of times recently, as we all know. After all, this may be the best way to get it settled. It is very earnestly hoped that the Government will continue to employ these men for a while anyway, so that they may bring suit for their salaries and thus raise the question. The question ought to be settled. It ought not to be constantly recurring. Personally, I am not in favor of anyone who has subversive views about our Government working for the Government; but even so, I think that in a case of this kind he ought to have a fair show. I am sure that the men involved in this case will get a fair show in the courts of the Nation.

That is the only possible way the question can be settled. It is the only possible way the passage of this bill can be brought about; and, while it is a matter of regret that this course must be pursued, if we are to enact this bill to pay employees of the Government and provide for many enterprises connected with the war, it is necessary for us to yield.

Mr. President, I wish to say that in yielding I have simply concluded to bring this question to the Senate and let the Senate vote on it as it will. That is the only course the conferees can pursue. I wish to say perfectly frankly that in my judgment if we were to reject the conference report there would be no bill. The other matter can be settled, and I believe it can be settled fairly and honestly by the courts. I hope the Senate will take the same view of it that the Senate conferees have taken.

I wish to make an explanation as to the other item. That item involves the President's private fund. The House provided that no part of this fund should be used for the Farm Security Administration or the National Resources Planning Board. The Senate inserted a more general amendment. After innumerable conferences and talks on this matter, inasmuch as the House had taken care of the two items which it favored in other bills, it was finally agreed to strike out all limitations on the President's use of the fund. I think this was very wise. In time of war such a limitation might be misconstrued as lack of confidence in the President. In addition the President makes a report of his use of the fund. We have examined that report, and in the main there could be no exception to his use of the money.

Mr. President, those are the facts.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CLARK of Missouri. I wish to ask the Senator a question in connection with the very frank statement which he has made. He said he did not approve of this system of ousting Government employees, and that the withholding of a man's salary amounted to his discharge. Does not the Senator believe that in truth and fact, under our theory

of government, the procedure proposed by the House provision amounts substantially to a bill of attainder against these men, something which is forbidden by the Constitution of the United States?

Mr. McKELLAR. I do not believe it goes that far.

Mr. CLARK of Missouri. I think it does.

Mr. McKELLAR. I have heard the Senator express his view on that subject. He may be correct and I may be mistaken.

The two Houses of Congress have absolute authority over the purse, and the finances of the Nation. They appropriate all money, or they should appropriate all money. In these later days we are not appropriating it all. However, we are appropriating a very large part of it.

I doubt if the proposed procedure is equivalent to a bill of attainder. It is the exertion of a power by the Congress to say what money shall be expended and what shall not.

Mr. CLARK of Missouri. Was not that very practice condemned by the Supreme Court of the United States—a real Supreme Court of the United States—in the Myers case?

Mr. McKELLAR. It will be remembered that in the Myers case, to which I have referred, a somewhat different question was raised. As I recall that case, the opinion was written by Mr. Chief Justice Taft. In my judgment, it was one of the strongest opinions ever written by that great judge. It was a review of an issue of many years ago. The facts in that case were these:

President Wilson discharged a postmaster in Oregon. I have forgotten the name of the town, but he discharged the postmaster there, and the postmaster sued the Government for his salary for the term for which he had been appointed. The Supreme Court of the United States, Mr. Chief Justice Taft delivering the opinion, held that the President had the right to discharge him without asking the Senate. It was argued by lawyers in that case that, the Senate having confirmed Mr. Myers to that position, he could not be discharged unless the Senate should agree to his discharge. Mr. Taft, after reviewing all the authorities, held that it could be done.

Mr. CLARK of Missouri. Let me ask the Senator if it was not also held in that case that a man was entitled to his day in court, and was entitled to a proper hearing?

Mr. McKELLAR. That is true.

Mr. CLARK of Missouri. Was not that same proposition enunciated by the Supreme Court of the United States in the Humphrey case?

Mr. McKELLAR. That is true. That is one of the reasons which led me, as one member of the committee—I do not know how the other members of the committee felt about it—but as one member of the committee I felt we would not be doing these three gentlemen any great injustice because they could obtain their remedy in court. It is very trying on them, of course, but they made this record which so much has been said in the House and in the newspapers of the

country. I do not pass upon the facts. I do not know enough about the facts to pass upon them.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CLARK of Missouri. As the Senator well knows, without justification a man may be sent to a concentration camp, and it may be said that that is all right, and that he may sue out a writ of habeas corpus and possibly be released from the camp.

Mr. McKELLAR. That may be true, but we are not law-enforcing officers and we did not bring about this situation. It is merely a question of whether this bill will be enacted into law at this session of Congress. When the bill appropriates \$143,000,000 for the salaries of literally hundreds and maybe thousands of employees and for various enterprises the cost of which should properly be paid under the bill, in my judgment we did right in making the report which we did to the Senate, and I hope it will be agreed to.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. OVERTON. I did not exactly understand the Senator's observation that these men could have their remedy in court.

Mr. McKELLAR. They could have their remedy in court.

Mr. OVERTON. What remedy would they have against a legislative decree that they shall not receive any compensation whatsoever, and be driven out of their office, when the Congress has no evidence at all to support any charge against them? How can a question of that nature be brought before a court? The court will not say, "We will give them relief because the Congress of the United States acted without evidence and without any charge having been made against them."

Mr. McKELLAR. Oh, no; no.

Mr. OVERTON. My objection was that there was no charge or evidence before our committee, or before the subcommittee of the House, whatsoever, affecting the loyalty of these men. There was no evidence whatever which indicated they were disloyal to the Government.

Mr. McKELLAR. Mr. President, I have stated what are the facts; that the House acted upon a report of one of its committees, and that the Senate acted upon the evidence which was before it, and there was interminable bickering.

Mr. OVERTON. The report to which the Senator has referred was not even laid before the committee in the way of evidence.

Mr. McKELLAR. It was a secret report made to the House, and the House could have acted upon it if it had wanted to do so.

However, that is not the question before the Senate. The courts are open to these men. They have a right to go into court and sue for their salaries. If the court holds that they are entitled to their salaries upon the showing which they make, that, in my judgment, would

give them the proper recourse, and it is the only way in which the matter can be settled.

I am sure Senators would not want to deprive hundreds of employees—I shall have to ascertain whether there are more than several hundred; I imagine there are several hundred or a thousand or more—of their salaries when there is not the slightest complaint against the employees whatsoever. Everyone admits they are entitled to their salaries. As I have said, I am sure Senators would not want to deprive those persons of their salaries merely because of three men who are charged with subversive views in reference to our Government. I simply cannot imagine that we should delay the enactment of the bill on account of those three men.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. REVERCOMB. In addition to the change made in the bill by the conferees which is now under discussion, I understand that the amendment to the bill as adopted by the Senate with respect to the use of emergency funds by the President has also been changed and, in fact, deleted.

Mr. McKELLAR. Both the House and Senate amendments on that subject were deleted from the bill.

Mr. REVERCOMB. Mr. President, does that mean that if Congress fails to appropriate money for a certain activity the President may resort to his emergency fund for money to carry on the activity?

Mr. McKELLAR. My recollection is that all the purposes to which the House amendments and probably those of the Senate were directed have been taken care of in other bills. The remedy has been provided in other bills. For instance, the National Resources Planning Board has been abolished and, of course, the President could not allocate funds to that Board. The Farm Security Administration bill has been passed, and in that measure there is a provision that the President may not use any of his emergency fund to give to that agency, and probably the same situation prevails in the other cases. I do not think the Senator need fear that the President will use that fund for any such purpose as the Senator has in mind.

Mr. REVERCOMB. Without the thought of fear, does the President at the present time, without the restriction, have the power to use his emergency fund to augment or add to any appropriation?

Mr. McKELLAR. I do not believe so. He is prohibited from doing so in other bills which are before the Senate at the present time.

Mr. REVERCOMB. But in the pending measure we placed a prohibition against the use of the fund for the Board.

Mr. McKELLAR. Yes; but that prohibition was stricken out in conference.

Mr. REVERCOMB. I submit that that prohibition should remain in the measure.

Mr. McKELLAR. Unless some other Senator wishes to ask a question, I will yield the floor.

Mr. BONE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BONE. Mr. President, because some public posts are provided for by the Constitution, there must of necessity remain a question in the mind of every lawyer as to how far the Congress may go in decreeing by legislation that no part of an appropriation shall be used to pay the salary of a certain public official. I am referring now perhaps to a Member of the Senate. Suppose, for example, we should decree that no part of an appropriation should be used to pay the salary of Senator X. That might be challenged on constitutional grounds. The same thing might be done with respect to the Supreme Court because we might not like some of its decisions. But let us assume the case of an inferior Federal court not ordained by Congress. The office could be abolished at any time, and therefore we would be abolishing all functions accompanying the particular office. However, suppose there were some particularly flagrant and obnoxious decision of a judge of a Federal court, one which outraged all standards of common decency, and was a reproach to the office itself and we should decide instead of impeaching the judge—disliking very cordially his decision—to provide in a budget for the maintenance of the lower Federal courts that no part of the appropriation should be used in the payment of the salary of Judge X in a certain United States district court. On that basis, and having no testimony concerning the case other than our knowledge of it through a reading of the press reports if we should vote to take such action, does the Senator believe we would be justified?

Mr. McKELLAR. I do not know whether we would be justified. I do not think the House was justified in taking this particular course about these three men, but the House is adamant on the subject, and when it is not possible to agree, we must do the best we can, and we have made the best report of which we are capable.

I voted, as did every other Member of the Senate who was present, to strike this provision from the bill, and it was stricken from it so far as the Senate was concerned, but when we got to conference, the several times we were in conference—and we were in conference a great number of times—we discussed this matter nearly every day for a month. I think that if the Senator would ask Members of the House whether there was a chance on earth of getting the bill passed with that provision eliminated, he would find there was not a chance. I hope the Senator will not imagine more cases. We have enough actual cases now.

Mr. BONE. I hope the Senator from Tennessee will not suggest that there is any impropriety in the Senate being as firm as the House. This is what amounts to a bill of attainder, which was one of the most odious forms of the old English law practices.

Mr. McKELLAR. Yes.

Mr. BONE. What presents itself in this picture is the possibility of impeachment by a new method. This provision should engross every lawyer in the Congress, because this is a way of impeaching some one by an indirect method. We do not have to go through the formality of the House filing charges. We are sitting as a jury, without having heard of the evidence.

Mr. McKELLAR. If the Senator will permit me to answer his question, I will say that the one advantage we have is that we have courts to settle all questions of a legal nature between citizens and governmental bodies, and all other bodies in our country. We have courts, in which we all have confidence. I know I have, and I am sure all of us have. The only comfort the Senate gets out of the adoption of this report is that the matter will go to the courts and be settled for all time, for us, as well as for everybody else.

Mr. BONE. If I may intrude again, I understand what the Senator has stated, but we are sitting here as a jury and as a court, and we are deciding a case without any evidence before us.

Mr. McKELLAR. Oh, no; it is not in that shape at all.

Mr. GEORGE. Mr. President, I suppose that if there are any people on earth who know anything about ex post facto laws and bills of attainder it is our English friends. It is a common parliamentary practice to move the reduction of a salary of an officer of the British Government, and if the motion carries, it is tantamount either to his removal or to an expression of lack of confidence. It is true we have to keep in mind the parliamentary system, and that the British have the parliamentary system, but it is one of the common practices in the British Parliament to move the reduction of a salary of an officer of the government. Therefore, it strikes me that we are going very far afield when we imagine that there is any question of ex post facto law here, or bill of attainder.

Mr. McKELLAR. That is the way it appealed to the committee.

Mr. GEORGE. I have no doubt that we have merely a legislative situation. I think this is not a desirable way of disposing of men who are holding public office, but sometimes it is the only way to dispose of them. Sometimes it is quite impossible to get rid of them in any other way.

I do not know any of these three gentlemen, and they may be entitled to hold their offices, but it seems to me that it comes right down to this, it is precisely like disagreement over a provision in any other bill. If the House will not yield, and if our conferees have done all they can do, and they report it is useless to try to continue the conference longer, then it is a question of the good faith of our own conferees, and I should be disposed to accept their verdict in the matter, although I think it is not the proper way to proceed in cases of this kind.

As to the question of going into the courts, it may not be precisely the same in the Federal jurisdiction, but, I think

in State jurisdiction it is very well established, and, so far as I know, there has been no very well considered case to the contrary, that if an office be a constitutional one, it is not possible merely by illegally discharging a man to deprive him of his salary. If it is purely a legislative office, the legislature may repeal the act creating the office, or it may withhold the money. I think there is no reasonable doubt on that point.

This leads me to say that I do not think the men involved in this case would have very much chance in any court. But here is a provision in an appropriation bill, and if the Senate conferees say that they cannot induce the House to recede, so far as I am concerned, I should be disposed to go along with our conferees.

Mr. McKELLAR. I thank the Senator.

Mr. DOWNEY obtained the floor.

Mr. BONE. Will the Senator yield merely for one observation?

Mr. DOWNEY. I have been waiting for about 30 minutes to get the floor, while the floor has been parceled out to various speakers.

Mr. McKELLAR. Will the Senator yield to the Senator from Colorado, who wanted to ask a question?

Mr. MILLIKIN. Mr. President, I wish to agree with the distinguished Senator from Georgia that we are not confronted with a bill of attainder, technically speaking, but to me the matter is of the spirit of a bill of attainder. It holds within it the possibility of trial without being confronted by witnesses. It holds within it the possibility of trial in absentia. It has every obnoxious feature in it that has condemned bills of attainder.

Mr. President, I regret very much that for these reasons, and because this to me smells of ancient tombs in which liberty has been buried, I shall have to vote against the conference report.

Mr. CLARK of Missouri. Mr. President, will the Senator from California yield in connection with what the Senator from Colorado has said?

Mr. DOWNEY. I yield.

Mr. CLARK of Missouri. I should simply like to suggest that in the remarks I made a while ago I did not mean that this was technically a bill of attainder, but in effect it is a bill of attainder.

Mr. MILLIKIN. It does not have to be technically a bill of attainder. It is in the spirit of a bill of attainder.

Mr. CLARK of Missouri. There is no question about that.

Mr. DOWNEY. Mr. President, while I recognize the critical situation with respect to the funds carried in this bill, and realize that the conferees were prompted by this urgency to work out a compromise with the House, I feel that the basic principle involved in the so-called Kerr amendment is so important that the Senate should not yield from its unanimous 69-0 vote of a few weeks ago.

There was at that time no doubt in our minds as to the impropriety, and, in fact, the unconstitutionality of a procedure whereby the Congress is asked to legislate three individuals out of Government jobs as subversive without any of the essential forms of a fair and ju-

dicial hearing, so dear to us as Americans, a statement of charges, representation by counsel, and open presentation of evidence pro and con.

It has previously been stated upon this floor—and I concur completely with the statement—that adequate legal provisions already exist by means of which persons who are genuinely subversive—that is, who attempt by violent means to overthrow our Government or give aid to our enemies—may be not merely dismissed from their Government positions, but prosecuted in criminal actions. No such charges have been made against these three men, and none of the evidence that has come to the attention of the Senate has tended to imply such charges; nor has the House itself made any claim to such charges as a basis for its decision.

I am, however, most deeply concerned by the detrimental effect which the passage of this rider will have upon our country's understanding of the nature of the war, and hence upon our progress toward speedy victory. It appears that these men are under attack primarily because of their membership in certain organizations which in the opinion of some people were communist "front," but which by a great many people are considered to be antifascist in character, since the programs of these organizations covered such issues as boycotting Japan, or sending aid to China. By branding such persons as subversive, we will cause great confusion among our people by failing to distinguish between those who help our allies and those who help our enemies. This is doubly serious at a time when we must strain every nerve to launch and support a decisive military offensive.

The Supreme Court has recently held that an admitted member of the Communist Party is not, by virtue solely of his membership, thereby deemed to be committed to violent overthrow of our Government. How much more truly this can be said of men who are not charged with being Communists, and of whom it can be said that at most they belonged to organizations with a few Communist members.

Mr. President, I am in agreement with those Senators who have expressed the opinion that the pending measure is essentially a bill of attainder; that its passage would tend to the destruction of our sacred and fundamental traditions of justice and civil rights. Nor can I condone its evil because of the hope that our courts might at some remote time undo the wrong this measure would admittedly do.

Mr. TOBEY. Mr. President, I have listened with great interest and respect, as I always do, to the conclusions reached by the distinguished Senator from Georgia [Mr. GEORGE] and the distinguished Senator from Tennessee [Mr. McKELLAR]. In the matter before us they have both expressed themselves with even import. They said that they do not believe that this is the way to handle the matter, by removing officials from the Government pay roll by denying appropriations. The Senate certainly felt that way when the matter came before it for debate and approval, and we voted

unanimously, 69 to 0, not to go along with the House. These men are entitled to a square deal, at least as I understand a square deal, by allowing them to be tried on the charges made against them in the open rather than to proceed by this back-door method of denying an appropriation to pay Government employees, with the purpose of discharging them from the Government service.

Mr. President, I listened with interest and thrilled to the remarks made by my distinguished colleague the Senator from Colorado [Mr. MILLIKIN], whose words, whose ideas, and whose expressions were worthy of the best traditions of the Senate. I congratulate him on that historic utterance, for that it will be in years to come, and will be often quoted.

I say tonight in this Senate Chamber, at this late hour, that the Senate of the United States, this branch of the Congress, should not allow the other branch of Congress or any individual to say to us in effect "Come across, or else there will be no appropriation bill." I am not one who would bow down to such an ultimatum. My message to my colleagues is for us to stand our ground, to keep faith with our traditions and civil rights. Vote down the conference report, and ask for a further conference with the House, and I am confident that a new report on the appropriation measure will be made. We need not be concerned as to that. Stand by our traditions and by the previous decision unanimously made by this body, when we voted on the question, and our action will be to our credit and one in which we may well have a just and honorable pride in the years to come.

Mr. BONE. Mr. President, I wish to take a moment to express my appreciation of and admiration for the statement made by the Senator from Colorado [Mr. MILLIKIN] because it was in the best tradition of the law. Every man who has practiced law has been taught to feel a reverence for law, for the freedom and the liberty for which American law is supposed to stand, and to pay reverence at its shrine.

My attention was attracted a moment ago to a citation in the Cyclopedic Law Dictionary which it will take me but a moment to read. It defines a bill of attainder as—

A special act of the legislature pronouncing judgment of treason or felony on one who has not been tried in the courts, and passing sentence of death and attainder upon him. If the act inflicts a less punishment than death, it is called a "bill of pains and penalties."

On the strength of that citation this type of legislation cannot in any wise partake of the nature of a bill of attainder.

The Supreme Court of the United States has had something to say about this type of legislation. It said:

A bill of attainder is a legislative act which inflicts punishment without a judicial trial. If the punishment be less than death, it is a bill of pains and penalties.

Let me say parenthetically that that is in line with the citation I have just read from the Cyclopedic Law Dictionary.

I continue to quote from the Supreme Court:

As the term "bill of attainder" is used in the Federal Constitution, it includes both bills of attainder particularly, and bills of pains and penalties.

Citing *Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 18 L. Ed. 356), *Drehman v. Stifle* (75 U. S. (8 Wall.) 595, 601, 19 L. Ed. 508); *Pierce v. Carskadon* (83 U. S. (18 Wall.) 234, 239, 21 L. Ed. 276).

If the measure before us is considered to be a bill of "pains and penalties," and that is exactly what it is, because it inflicts pains and penalties on these men, it is a form of punishment, and according to the decisions of the Supreme Court itself it is, as the Senator from Colorado has pointed out, in spirit and effect, a bill of attainder.

Mr. LA FOLLETTE. Mr. President, the fate of the three men involved in this measure, while of great importance to them individually, in my opinion shrinks into insignificance when we contemplate the action which it is proposed that the Senate shall take. With men dying in the uniform of the United States on battlefields all over the world, and on the seven seas, it seems to me that the action which this body takes is upholding the traditions of Anglo-Saxon jurisprudence and justice is of vital importance.

All too frequently, it seems to me, there is a growing tendency on the part of groups in this country to feel that because they are in disagreement with another group, or with other individuals, they can with impunity to themselves violate fundamental rights without weakening them. I say that a study of the painful processes behind the sacrifices in blood and treasure whereby these fundamental rights were obtained, will convince any man that it is only by upholding them, by protecting those with whom we disagree, that we can preserve these rights for ourselves and for posterity. For the Senate of the United States to acquiesce in the act of dismissing these men from office, without a scintilla of evidence in its possession to justify such procedure, would be a repudiation of the entire spirit of the Bill of Rights of the Constitution of the United States. It is mere legalistic hairsplitting to try to find any reason or justification for any such action.

I say, Mr. President, although I am not a lawyer, that I have grave doubt that these men, who do not occupy constitutional offices, would ever have any opportunity to test this issue in the courts. But even if they should have, Mr. President, what a pusillanimous position the Senate would take if it attempted now to justify a law which it acknowledged by a vote of 69 to 0 would perpetrate a wrong, and to justify a reversal of its position on the ground that Members of the Senate hope and pray that the victims will have their day in court, and that the courts of the United States will ultimately wipe out and rectify the wrong which the Senate had committed, and which it acknowledged to be a wrong.

I say, Mr. President, that such action is beneath the dignity and the traditions of the Senate. I say, furthermore, with all due respect to the other body of the Congress, that we have as much right to stand on this principle as it has to insist upon its action. If my information is correct, there was but one formal meeting of the conference committee after the Senate had voted overwhelmingly to stand by its amendment.

On the face of this record, Mr. President, I say I think it would be a blot upon the escutcheon of the Senate of the United States if it were to accept the conference report.

Mr. CLARK of Missouri. Mr. President, it is with very great reluctance that I ever oppose the adoption of a conference report, and that is particularly true when a conference report is presented by such a distinguished Senator as the Senator from Tennessee. However, it seems to me that a very important question of principle is involved in this question. Let me say at the outset that, so far as I am concerned, certainly I hold no brief for any of the three men whose discharge and disqualification are sought to be accomplished by the House provision. The only thing I personally know in favor of any of the three men is that I understand that Dr. Lovett had a son who gallantly lost his life as a member of the Second Division at the Battle of Belleau Wood. It is very difficult for me to believe that any man who lost a son in the Second Division has been engaged in subversive activities.

Be that as it may, Mr. President, if the McKellar bill had been on the statute books, and if those three men had required confirmation by the Senate, the chances are entirely in favor of the proposition that I would not have voted in favor of the confirmation of any of them, and in my opinion the chances are entirely in favor of the proposition that none of them would have been confirmed by the Senate. But that is not the question now before us. The question is whether we, as one of the two great legislative bodies making up the Congress, the legislative branch of the Government, are justified in proceeding by star chamber machinations to pass what in truth and in effect, regardless of whether it is technically true, is a bill of attainder condemning those three men for all time to come, without giving any of them an opportunity to be heard.

I say there is no possible justification under any theory of Anglo-Saxon law or under any theory of Anglo-Saxon justice which possibly could warrant such a procedure. If we review the whole parliamentary history of England prior to the Revolution, and the whole parliamentary history of the United States since the Revolution, and review the Wilkes case, the Matthew Lyon case, and the many great parliamentary debates on the subject, not one precedent will be found to hold that such a procedure as that which has been adopted by the House of Representatives in this case, and is now being acquiesced in by the Senate conferees, can possibly be justified under any theory of Anglo-Saxon jurisprudence.

Mr. President, on my way to the Senate the other day, after having called at one of the departments, I happened to buy a noon newspaper. In it I read with amazement the statement that one Member of the House of Representatives, Representative TABER, of New York, had announced that unless the Senate would yield on this proposition of star-chamber proceedings, he, one Member of the House of Representatives, meant to see that a great deficiency bill, carrying necessary appropriations, the very arterial blood for the support of a multitude of Government institutions, would necessarily fail. I did not believe that Representative TABER had taken such a position as that. I did not believe if Representative TABER had taken such a position, the House of Representatives could possibly back him up in it. It is an infamous proposition that a great supply bill of the Government, a necessary supply bill of the Government, must fail unless a coordinate body of the legislative branch, which has voted 69 to 0 against such star-chamber proceedings, is overawed and compelled to yield.

I showed the newspaper statement to several other Senators. I remember that I showed it to the Senator from Wisconsin. We all agreed that the newspaper statement must be based on a misapprehension or a misstatement of the position which possibly could be taken by the House of Representatives.

Mr. President, there is no Senator for whom I have a greater affection and respect than I do for the Senator from Tennessee; but now we find that our own conferees come before us and tell us that they are compelled to do an absolutely infamous thing—and the statement of the Senator from Tennessee certainly indicates that he and the other Senate conferees regard it as an infamous thing—because the other House has put a gun to our heads and has said that if we do not do it certain necessary supplies will not be voted. So far as I am concerned, when the Senate has voted 69 to nothing, and when the conferees have met, it seems to me it should have been the House conferees who should have taken the matter back for separate action.

So far as I am concerned, much as I should regret to see the bill fail of passage, I should prefer to see it fail rather than to have it pass, necessary as it is, containing an infamous departure from every principle of Anglo-Saxon justice.

I should like to predict further, Mr. President, that if the Senate votes down the conference report, the House will not take the responsibility of allowing a \$150,000,000 deficiency bill to fail because of its insistence upon doing something which every Member of the House knows in his heart is wrong.

I think the Senate should maintain its own self-respect, and should vote down the conference report and should send it back to the House, and should give the House an opportunity to catch its breath and take sober second thought on the proposition of whether it wishes to take the responsibility of defeating a very necessary deficiency appropriation bill,

solely for the purpose of trying to enforce its will in the matter of such an outrageous proposition as this.

Mr. President, in conclusion, I merely desire to say that I really know very little as to the merits of the three men concerned; but, based on the findings of the Kerr committee, I make the following assertion, and I should be glad to have any Senator rise in his place and deny what I say as to the disqualification of the three men, if he feels justified in doing so. No Member of the House—not even any member of the Appropriations Committee of the House who was not a member of the Kerr committee—had any information whatever. I assert, Mr. President, that no Member of the Senate has any information which would justify him in voting either for or against a practical bill of attainder against these men. If any Senator has any information that he thinks the Senate ought to have, which would enable the Senate to vote intelligently on such a question as this, I should like to have him rise in my time and give the information.

Mr. HILL. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. HILL. That is the thing which disturbs me. I formerly served in the House of Representatives, and I am proud of my service there. The distinguished Senator from Missouri was parliamentarian of the House for many years, when his great and distinguished father was Speaker of the House. As I understand, all the testimony on which this action is predicated was in secret. It was not divulged.

Mr. CLARK of Missouri. Perhaps, for all we know, these men ought to be tried for treason. If so, they should be tried for treason; but no Member of the Senate knows anything about the facts. If any Senator knows any facts, he should be willing to stand in his place and tell his colleagues the facts, to justify them in voting one way or the other on this question.

Mr. HILL. The House is asking the Senate to take action in the matter when the House does not have information, and makes no effort to give the Senate the information upon which the action is based. It disturbs me that the House should want the Senate to act when the House denies all information to its own Members and to the Senate.

Mr. CLARK of Missouri. We are asked blindly to follow the findings of a House committee, after star chamber proceedings, without knowing anything whatever. The proposed action would be practically a bill of attainder. It would be a disqualification. It would be nearly the same thing as convicting the men of treason. They would be disqualified from holding office. I invite any Member of this body to rise, in my time, and say that he knows anything about the case.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. PEPPER. I ask the able Senator from Missouri if he can distinguish what has been done in this case from a case in

which Congress decides that it does not need the services of an executive employee and simply fails to provide compensation for him?

Mr. CLARK of Missouri. If the Senator is talking about abolishing offices, I am very much in favor of abolishing many offices.

Mr. PEPPER. That is the question which I wished to ask the able Senator. This procedure is in the nature of an impeachment of these parties for cause.

Mr. CLARK of Missouri. This procedure is in its very essence penal. It is almost equivalent to a conviction for treason, so far as that can result from the action of Congress upon an appropriation bill.

Mr. PEPPER. Based upon hearsay, and with only allegations.

Mr. CLARK of Missouri. We do not even know what the hearsay is. Does the Senator from Florida know what went on before the Kerr committee? Does any other Member of the Senate know what went on before the Kerr committee?

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. McKELLAR. The evidence and the report were before the conference committee, and we all heard it.

Mr. CLARK of Missouri. I am surprised to hear the Senator from Tennessee make that statement.

Mr. McKELLAR. Oh, yes.

Mr. CLARK of Missouri. Copies of the hearings have certainly never been generally available either to Members of the House or Members of the Senate. I have been told that Members of the House Committee on Appropriations, when they asked for copies of the proceedings of the Kerr committee, were refused copies.

Mr. McKELLAR. I do not know about that; but I know that the House Committee on Appropriations furnished the Senate conferees the evidence and the report.

Mr. CLARK of Missouri. Does not the Senator think that before the Senate should recede, the whole Senate ought to be furnished a bill of particulars, showing the grounds on which these men are being subjected to contumely and scorn? Does not the Senator think that the men should be given an opportunity to answer in public the charges made against them, charges affecting their quality as decent American citizens?

Mr. McKELLAR. All three men were brought before the so-called Kerr committee in the House. They made full statements; and it was upon their admissions that the House acted. The evidence and the reports were before the conferees.

Mr. CLARK of Missouri. If even the Chief Justice of the United States, or any other dignitary or public official were impeached, he would be entitled to present himself before his judges, who, in the case of the Chief Justice, would be the Senate. He would be entitled to be represented by counsel. He would be entitled to have his case tried before the men who would vote as his judges. In

this case these men have not had any opportunity to appear before us.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. OVERTON. From the statement made by the able Senator from Tennessee, it strikes me that there has been another star-chamber proceeding. He has stated that the evidence was presented to the conferees representing the House and the Senate.

Mr. CLARK of Missouri. Has the Senator from Louisiana any evidence which would enable him to vote intelligently?

Mr. OVERTON. Absolutely not, and I was a member of the subcommittee which passed on this question.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. McKELLAR. The Senator from Louisiana has made a statement—

Mr. OVERTON. I have not made a statement. I was just about to make a statement.

Mr. McKELLAR. The Senator has made the statement that the conferees were engaged in a star-chamber proceeding.

Mr. OVERTON. I am assuming—

Mr. McKELLAR. I merely wish to say that the evidence purported to be the evidence before a committee of the House. The report purported to be a report from that committee. That was open to any Senator. It was open to any Member of the House, so far as I know. I understand that the evidence was taken in secret. I have heard that, and I so stated in my statement today.

Mr. CLARK of Missouri. The Senator's statement is the first statement which I have ever heard to the effect that the whole record was not secret. I made the statement that it was secret, and that I could not obtain a copy of it when the bill was before the Senate in the first instance. I have never heard any contradiction of that statement until the Senator's present statement that the evidence was presented to the conferees.

Mr. McKELLAR. I made that statement earlier.

Mr. CLARK of Missouri. Mr. President, I would not convict a dog in a hole-in-the-corner or star-chamber proceeding in which the accused did not have an opportunity to be heard. Senators who are called upon to vote on the question have no information upon which to form an intelligent opinion.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. LA FOLLETTE. If my recollection serves me correctly, the Record will show that when the bill was originally under consideration in the Senate, the Senator from Tennessee stated that the Senate Committee on Appropriations had been unable to obtain the testimony before the Kerr committee.

Mr. CLARK of Missouri. Let me say to the Senator from Wisconsin that I was told by two members of the Appropriations Committee in the House who were not members of the Kerr committee that the full Appropriations Committee in the

House could not obtain the record of the Kerr committee, and did not know what facts the Kerr committee was acting upon.

Mr. LA FOLLETTE. It is my understanding that that testimony has never been printed, and that it has never been made available to the House. All that was ever made available to the House was excerpts from the testimony, read by members of the committee at the time the provision was under consideration on the floor of the House.

Mr. CLARK of Missouri. That was an entirely ex parte proceeding.

Mr. LA FOLLETTE. Of course, as everyone knows, the reading of excerpts, as the Senator says, is entirely ex parte.

I am further informed that at this time Members of the House are not able to secure access to the testimony upon which the Kerr committee report recommending the dismissal of these men was based.

Mr. CLARK of Missouri. Mr. President, in conclusion I merely desire to say that the only argument which has been advanced, or which can be advanced, for the adoption of the conference report is that unless we yield to this infamous requirement on the part of the House of Representatives, a great and very necessary appropriation bill will fail. I am in favor of voting down the conference report and sending it back to conference, with notice to the conferees that the Senate will not agree to any such hole-in-the-corner, star chamber proceedings. I dare say, Mr. President, that the House of Representatives, in its sober second judgment, will not take the responsibility for causing the delay or failure of a great appropriation bill for the sake of such a provision as this.

Mr. CONNALLY. Mr. President, I shall occupy the time of the Senate but for a short time.

I do not know about the testimony in this case, I have not read it, but I cannot remain silent in the presence of the arguments made here which seem to conclude that the Congress cannot discharge three men in one of the departments of the Government, not in the exercise of the appointing power, but in the exercise of its appropriating power. Congress can declare war. Congress can appropriate money. However, according to the philosophy of some Senators, Congress cannot refuse an appropriation to three little clerks in a Government department. It is a great lawmaking body, is it not?

The appropriating power is the very heart of the parliamentary power. We do not have to give reasons for refusing appropriations. We do not have to say to everyone whom we cut off the pay roll, or to whom we deny appropriations, "You have to have a trial." There is nothing here in the way of star chamber proceedings, as I see it. I have no feeling about the situation, but I cannot allow to go unchallenged the suggestion that what we propose to do would be in violation of parliamentary traditions.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. MALONEY. Mr. President, I know the Senator does not intend to say, and I want to have the Record clearly show that he does not intend to say, when he speaks of "three little clerks" downtown, that they should be accorded different treatment than that accorded members of the Cabinet.

Mr. CONNALLY. Oh, the Cabinet is a different thing. Members of the Cabinet are confirmed by the Senate and legalized under the constitutional process.

Mr. MALONEY. Let me make myself clear. I do not want the Senator to misunderstand me.

Mr. CONNALLY. I know nothing about these men. My viewpoint with regard to the matter is purely impersonal. I am discussing the powers and functions of the Congress. The individuals do not mean a thing to me.

Mr. MALONEY. I do not know them, either. I fully agree with the Senator in his statement that the Senate has the power to do what he is suggesting, but it is by might and power that the Congress does it.

Mr. CONNALLY. It has been intimated that if we should do it we would be violating many legislative traditions. Every Congress passes bills containing limitations. They carry language which says, in effect, "Provided, That no funds appropriated herein shall be used for certain purposes." Every time we eliminate an activity we are denying some man a job, firing someone from the pay roll, without trial or without any proof, and without anything except the legislative will, and whenever the legislative will is hampered we are violating parliamentary traditions.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McKELLAR. I agree with the Senator in regard to the application of the Constitution to this question. I wish to say not only that, but this body, as well as the other House, in the last year or two adopted provisions exactly like the one under discussion, denying a salary to another employee of the Government. That was done.

Mr. BANKHEAD. The Senate agreed to it.

Mr. McKELLAR. The Senate agreed to it. We are not about to do a thing which has not heretofore been done.

Mr. MALONEY. Mr. President, will the Senator further yield?

Mr. CONNALLY. I yield.

Mr. MALONEY. I merely wish to say that I do not think this matter can be treated lightly. I do not say that for the purpose of being dramatic, because I do not like that kind of procedure or that kind of language, particularly in the Senate. However, if there is any justification for all the trials through which we are now passing, and all the trouble in which the world now is, it is in the matter of the protection of civil liberty, and what we are now considering is a fine example of it.

Mr. CONNALLY. Mr. President, I hope the distinguished Senator from

Connecticut does not regard what I am saying as in the light which he has indicated.

Mr. MALONEY. Oh, no; I do not want the Senator from Texas to misunderstand me.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. I am confident that my distinguished and able friend from Texas, of whom I am so fond, as he knows, does not intend to leave the impression with the Senate or with the country that the action of Congress, in its wisdom cutting off a whole activity or abolishing a number of offices as such, is in any degree whatever analogous or equivalent to saying to a certain man—TOM CONNALLY, BENNETT CLARK, BILL LANGER, JOHN BANKHEAD, or anyone else—that he is unworthy to hold a position of trust and confidence under the Government.

The Senator certainly does not mean to say that abolishing a whole activity or abolishing a particular office, simply describing the office itself, is in any degree whatever analogous to saying by name that a man is not fit to hold an office.

Mr. CONNALLY. Of course, every individual case has its facets and faces, which make it dissimilar from every other case.

The main consideration is that the three men have jobs and will lose them, and that is what they are "kicking" about. As I understand, there is nothing in the language of the appropriation bill which would reflect on the men. It merely provides that no part of that money shall be expended for the payment of the salary of so and so, and so and so, and so and so.

Mr. President, I do not care to burden the Senate any further, but it seems to me that, so far as our exercise of power is concerned, it is unquestioned. Whether the Senate wishes to exercise the power is another thing. The House seems to have very firm convictions as to these particular individuals.

I remember that a number of years ago the Congress of the United States created a position on one of the boards downtown and inserted some such provision as this: "No one shall be appointed to this position unless he shall have served so many years in Congress, and unless he shall have been a judge in a court in a State for so many years." There was only one man in the United States who could be appointed to the job, and he was a former Congressman. He was chairman of the House Military Affairs Committee.

Mr. CLARK of Missouri. That was James Hay.

Mr. CONNALLY. Yes. That was an appointment. The Congress was then exercising its legislative power, and invading the Executive field and making it necessary for the President to appoint one particular individual if he appointed any one at all.

Mr. President, I am not minimizing the importance of these individuals; they may be tremendous fellows, but they are not

Cabinet members; their appointments are not confirmed by the Senate.

What is a job in one of the departments? The head of the department can employ anyone he pleases, unless he is prohibited from doing so by law, but he cannot pay him. There are two parts to a job. One is the appointment, and the other is receiving the salary. One can get an appointment from the head of the department, but he cannot receive a thin dime unless the Congress says that he can have it. So, after all, it is a joint undertaking, and for anyone to say that whenever the head of a department appoints a man he is bound to continue his job whether the Congress is willing to appropriate a dollar for the job or not, is to give all the power to the executive department, and take away from the Senate and the House the fundamental right of the Congress to hold the purse strings. Whenever we relax control of the purse strings, parliamentary government will be tremendously weakened, it will be debilitated, it will be put on crutches. At the present time in some respects it is very near to being on crutches; it will be on crutches good and proper when we give up our power to control the disbursements, to control the administrative expenses.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. CONNALLY. Yes.

Mr. OVERTON. Assuming all the Senator says to be correct—

Mr. CONNALLY. I am glad to hear that; it is all I could expect. [Laughter.]

Mr. OVERTON. Assuming all the Senator says to be correct, and that the argument he is making is perfectly sound in law and reason, upon what ground is he going to condemn these three men, or upon what evidence?

Mr. CONNALLY. I am not condemning them. I do not know anything about them.

Mr. OVERTON. Or upon what evidence would the Senator withhold their salaries and say to them, "Never again can you be employed by the Federal Government"?

Mr. CONNALLY. Does the bill say that?

Mr. OVERTON. In effect it says so. Upon what ground shall we say that no part of the money appropriated in this act shall be used to pay for the services of so-and-so and so-and-so? Upon what ground?

Mr. CONNALLY. Let me answer the Senator. But first I wish to thank the Senator, because he is a great lawyer and a fine Senator, although he did use a cryptic sort of word—"assuming the soundness of the Senator's argument." I would rather he had said, "granted" instead of "assume." But I thank him nevertheless.

The Senator wants to know upon what ground we act. I do not want the RECORD to show that everyone in the Senate is agreed that we are a lot of old, debilitated men who could not get out of our seats, and have no legislative power, that the departments have it all, and that when they appoint a fellow, the

only way to get him off the roll is to give him an annuity in the form of retirement.

Mr. OVERTON. Will the Senator yield?

Mr. CONNALLY. I yield.

Mr. OVERTON. I merely desire to know what evidence the Senator has upon which he is going to base a conclusion that this is a wise provision.

Mr. CONNALLY. I shall give the Senator the reason. First, there are two legislative branches, under the Constitution. We are not both of them. Conference committees have to accommodate their views and agree on something. So, if the House is adamant, is the Senate going to make itself ridiculous by saying, "It is terrible for the House to say that it will defeat this bill because of three men in the department, but we will go it one better, and we will defeat it, too, if we do not get them." That is the attitude we are in.

Mr. OVERTON. Have we not as much right to be firm as the House has?

Mr. CONNALLY. We have just as much right as the House has. We can sit down, if we desire, and say, "No, we will never agree to this conference report." How many million dollars are involved in it?

Mr. McKELLAR. About one hundred and fifty million dollars.

Mr. CONNALLY. A very modest sum. We may say that we do not mind paralyzing other departments, we do not mind cutting off activities which will consume a great many million dollars, but we will stand at Armageddon if these three men are not retained.

The House conducted an investigation, through one of its committees. I do not know what they developed, but they must have developed something. We must respect the House. I do not mean that we have to bow to every one of their wishes, but we have to assume, if we are to practice the legislative comity which should exist between two coordinate branches of the legislature, if they had a committee and the committee investigated and made a report, that there was some ground for their action.

I understand the House committee had these three men before them, they cross-examined them, they questioned them, and we cannot merely say to the House, "You are a lot of boobs, you are a lot of saps. We will not pay any attention to what you did."

Mr. McKELLAR. Will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McKELLAR. The Senator spoke of those who would be injured by our failure to adopt this report. We passed a measure not long ago allowing many employees of the Government, practically all of them, overtime pay. Thousands of employees have been granted overtime by the action of the Senate and House of Representatives, with the approval of the President. The pending bill carries funds for those overtime payments. They have not been made. It seemed to those of us who were on the Committee on Appropriations, when we found it was a question of getting the

bill through with the funds for the overtime payments to these innumerable employees, that they should be paid, rather than have the bill fail. They are innocent bystanders. We thought it was better to have them paid rather than hold them up. The other three could have their day in court. We are not convicting them of anything, we are not passing upon their innocence or their guilt in any way. All we are doing is getting a bill at this time.

Mr. CONNALLY. A word further and I shall be through. Certain Senators speak about the language of the bill branding these men, putting obloquy all over them, and vituperation, contumely, and many other big words of a similar character. What does the bill provide?

No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this act, or (2) which is now, or which is hereafter made, available under or pursuant to any other act, to any department, agency, or instrumentality of the United States, shall be used to pay any part of the salary, or other compensation for the personal services, of—

Naming the three men. I do not see that that involves any great shame. It merely provides that the Congress will not appropriate for their salaries.

As I have said, I have no personal interest in this matter, I do not know any of the men. Let me read the names of the conferees of the Senate who acted on this matter, who heard the evidence, who read the report of the House committee. There were the senior Senator from Tennessee [Mr. McKELLAR], the senior Senator from Arizona [Mr. HAYDEN], the senior Senator from Maryland [Mr. TYDINGS], the junior Senator from Georgia [Mr. RUSSELL], the senior Senator from North Dakota [Mr. NYE], and the junior Senator from Massachusetts [Mr. LODGE]. They say we should approve the conference report. They heard the evidence, and I am willing to accept their statement. I am willing to accept what these gentlemen found, as members of the conference.

I think that in some cases, though not in every one, we must respect the views of the House, and without knowing a thing about this matter I could not remain silent with Senators expressing the view that the proposed action was a violation of fundamentals, a violation of the Constitution, was in violation of tradition, and that it was out of the range of parliamentary law to refuse to appropriate for any particular purpose without a trial, and all that. We do not have to try anyone. The head of the department could call these men in tomorrow and say, "I am sorry, but your services are discontinued." What could they do about it? They could not do anything but get their hats and walk out. But if the Senate and the House say it, it is a great crime.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. McKELLAR and other Senators asked for the yeas and nays.

The yeas and nays were ordered.

Mr. REVERCOMB. Mr. President, since the pending conference report has

been called up for consideration, the discussion has revolved entirely around the rights of three employees of the Government, whether or not they have been wronged or are to be wronged. That question has been discussed with a great deal of zeal and eloquence, but I submit there is another question which affects the integrity of the Congress, and I believe the welfare of the country, much more than the question which has been discussed at great length here this afternoon.

When the deficiency bill was before the Senate it contained a heading, and it passed with that heading "Emergency fund for the President," and I wish to take a moment or two to read the provision. It is as follows:

The appropriation "Emergency fund for the President," contained in the First Supplemental National Defense Appropriation Act, 1943, as supplemented by the Second Supplemental National Defense Appropriation Act, 1943, is hereby continued available until June 30, 1944, and the limitation on the amount which may be expended for objects of a confidential nature is hereby increased by \$25,000,000.

Mr. President, that was in the bill which came to the Senate originally from the House of Representatives, with a proviso attached to the provision.

After discussion the Senate added the following provisos to that section:

Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for any of the functions of any agency of Government for which appropriations have been duly made by the Congress, or for the functions of any agency for which estimates have been submitted by the Budget and for which the Congress has failed to make appropriations: *Provided further*, That this limitation shall not apply to allotments or allocations made to the War Department or the Navy Department.

Mr. President, the conferees on the part of the Senate have surrendered that provision. It placed a limitation on the power of the President to use his emergency fund to finance any agency for which the Congress had refused to make an appropriation. That safeguard placed upon the powers of the Congress has been deleted in conference.

We have heard discussed by able Senators the question of our powers of regulation over the affairs of these three men. I say to the Senate that this provision means much more to the integrity and the safeguarding of the powers of the Congress than simply the question of its powers over three employees or three officeholders in the Government.

Mr. President, this limitation upon the use of funds in the hands of the President to defeat the will of Congress, if you please, where no appropriation has been made, or where it has been refused, should again be placed in the measure and should become a part of it. If the Congress is to function under the powers given it by our form of government, if Congress is really to be the body to appropriate money, this limitation should remain in the measure. By continuing such a limitation we protect ourselves against the use, by the President, of the emergency fund to defeat the will of Congress.

For the reasons I have stated I hope that the conference report will not be agreed to, and that a further conference with the House will be requested.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

During the calling of the roll,

Mr. REED. Mr. President, may I inquire what subject matter is before the Senate for action?

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. REED. Is it the conference report on the urgent deficiency bill?

The PRESIDING OFFICER. It is.

Mr. REED. And a vote of "yea" is a vote to agree to the report?

The PRESIDING OFFICER. It is.

The legislative clerk resumed the call of the roll.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am not advised how he would vote if present. I transfer that pair to the Senator from Kentucky [Mr. BARKLEY], who, I am advised if present, would vote "nay," and will vote. I vote "nay."

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Louisiana [Mr. ELLENDER] are absent from the Senate because of illness.

The Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. EASTLAND], the Senator from Iowa [Mr. GILLETTE], the Senator from Texas [Mr. O'DANIEL], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

The Senator from North Carolina [Mr. BAILEY], the Senator from Idaho [Mr. CLARK], the Senator from Maryland [Mr. TYDINGS], the Senator from Illinois [Mr. LUCAS], and the Senator from Georgia [Mr. RUSSELL] are detained on important public business.

The Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are detained in a meeting of the Special Committee to Investigate the National Defense Program.

Mr. McNARY. The Senator from Pennsylvania [Mr. DAVIS] is absent because of illness in his family. He has a general pair with the Senator from Iowa [Mr. GILLETTE].

The Senator from Vermont [Mr. AUSTIN] and the Senator from New Jersey [Mr. BARBOUR] are necessarily absent.

The Senator from Idaho [Mr. THOMAS] and the Senator from Iowa [Mr. WILSON] are detained on official business.

The Senator from California [Mr. JOHNSON] is absent because of illness.

The Senator from South Dakota [Mr. BUSHFIELD] is absent on official business as a member of the Indian Affairs Committee.

The result was announced—yeas 17, nays 52, as follows:

YEAS—17

Bankhead	Hayden	McKellar
Bilbo	Holman	Reed
Byrd	Johnson, Colo.	Scruggs
Connally	McCarran	Stewart
George	McClellan	Thomas, Okla.
Gurney	McFarland	

NAYS—52

Aiken	Guffey	Overton
Andrews	Hatch	Pepper
Ball	Hawkes	Radcliffe
Bone	Hill	Revercomb
Brewster	Kilgore	Robertson
Brooks	La Follette	Shipstead
Buck	Langer	Taft
Burton	Lodge	Thomas, Utah
Butler	McNary	Tobey
Capper	Maloney	Tunnell
Caraway	Maybank	Vandenberg
Chandler	Mead	Wagner
Chavez	Millikin	Wheeler
Clark, Mo.	Moore	Wherry
Downey	Murdoch	Wiley
Ferguson	Murray	Willis
Gerry	Nye	
Green	O'Mahoney	

NOT VOTING—27

Austin	Eastland	Smith
Bailey	Ellender	Thomas, Idaho
Barbour	Gillette	Truman
Barkley	Glass	Tydings
Bridges	Johnson, Calif.	Van Nuys
Bushfield	Lucas	Wallgren
Clark, Idaho	O'Daniel	Walsh
Danaher	Reynolds	White
Davis	Russell	Wilson

So the conference report was rejected.

OFFICE OF FISHERY COORDINATION

Mr. BILBO. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 342, Senate bill 1242. This is an emergency measure, otherwise I should not ask for its consideration at this time.

The PRESIDING OFFICER. The bill will be stated by title or the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1242) to authorize appropriations for salaries and expenses, Office of Fishery Coordination.

Mr. BILBO. Mr. President, the Department of the Interior has requested the passage of the bill. Its purpose is to authorize funds necessary to enable the Office of Fishery Coordination to carry out its functions and activities under Executive Order No. 9204, dated July 21, 1942. The estimate submitted for the administration of the Office of Fishery Coordination during the fiscal year 1944, is in the amount of \$290,000.

The PRESIDING OFFICER. Is there objection to the present consideration of the measure?

There being no objection, the Senate proceeded to consider the bill (S. 1242) to authorize appropriations for salaries and expenses, Office of Fishery Coordination, which had been reported from the Committee on Commerce with an amendment at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for salaries and expenses of the Office of Fishery Coordination established by Executive Order No. 9204, dated July 21, 1942 (7 F. R. 5657), pursuant to the authority vested in the President by title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), to enable said Office to carry out

its functions and activities under said order, and to carry out the functions and activities delegated to said Office by the Secretary of the Interior pursuant to the authority delegated to him under Food Directive No. 2, issued by the Secretary of Agriculture on February 8, 1943 (8 F. R. 1777), as amended: *Provided*, That this act shall terminate on July 1, 1945, or such earlier time as the Congress by concurrent resolution may designate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. LA FOLLETTE. Mr. President, before the amendment is agreed to, will the Senator explain the purpose of the measure?

Mr. BILBO. Yes, Mr. President. On July 21, 1942, by Executive Order No. 9204, there was established an Office of Fishery Coordination for the purpose of carrying out the functions and activities delegated to it by the Secretary of the Interior, pursuant to authority delegated to him under Food Directive No. 2, issued on February 8, 1943, by the Secretary of Agriculture.

It was necessary that machinery be set up in order to provide for carrying out the program of increasing the canning of fish to be used by our soldiers and to be used otherwise in the war effort. The program is Nation-wide, involving the canning of the sardines of the Northwest, the sardines of Maine, the shrimp of the Gulf of Mexico, and the products of the fisheries in Alaskan waters. It is necessary that the bill be passed in order to provide authorization for an appropriation to be used in carrying out the orders of the Department of the Interior and the Department of Agriculture relative to the coordination agency, the Office of Fishery Coordination. For that work a very small appropriation will be required. The bill provides merely an authorization. The Senate will still have another opportunity to pass on the matter, if it does not like it, when the necessary appropriation is requested.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee on page 2, line 6.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON MEASURES RELATING TO VITAL RECORDS AND VITAL STATISTICS

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Commerce:

THE WHITE HOUSE,
Washington, June 24, 1943.

SIR: In a letter dated July 27, 1942, I indicated that I would ask the Director of the Bureau of the Budget to make a comprehensive study of organizations and problems in the field of vital records. The Director has reported to me on this subject and I am transmitting his report

to you herewith. I am transmitting another copy of the report to the Speaker of the House of Representatives. In view of the relevance of this report to the subject matter of various bills which are now before the Congress, I would suggest that the report and appendixes I-VIII might appropriately be printed as a public document.

Respectfully,

FRANKLIN D. ROOSEVELT.

EXECUTIVE SESSION

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. McFarland in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

Mr. McKELLAR from the Committee on Post Offices and Post Roads, reported favorably the nomination of Ethel G. Womble, to be postmaster at Goldston, N. C.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

REGISTER OF THE LAND OFFICE

The legislative clerk read the nomination of Mrs. Jessie M. Gardner, of Colorado, to be register of the land office at Denver, Colo.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. HILL. I ask that the President be notified forthwith of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I move that the nominations of postmasters be confirmed en bloc, and that the President be immediately notified of their confirmation.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc, and the President will be notified forthwith.

RECESS

Mr. HILL. As in legislative session, I move that the Senate take a recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate took a recess until tomorrow, Friday, June 25, 1943, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 24 (legislative day of May 24), 1943:

DIPLOMATIC AND FOREIGN SERVICE

Ray Atherton, of Illinois, Envoy Extraordinary and Minister Plenipotentiary to Denmark, now assigned as Acting Chief of the Division of European Affairs in the Department of State, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Canada; also to serve concurrently and without additional compensation as Envoy Extraordinary and Minister Plenipotentiary of the United States of America near the Government of Luxembourg now established in Canada.

William C. Burdett, of Tennessee, now a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to New Zealand.

Loy W. Henderson, of Colorado, now a Foreign Service officer of class 2, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Iraq.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named passed assistant surgeons to be surgeons in the United States Public Health Service, to rank as such from the date set opposite their names:

Joseph G. Pasternack, July 1, 1943.
Waldemar J. A. Wickman, July 1, 1943.
Llewellyn L. Ashburn, July 1, 1943.
Leland J. Hanchett, July 1, 1943.
Thomas B. McKneely, July 1, 1943.
William G. Workman, July 1, 1943.
Victor H. Vogel, June 15, 1943.
Robert H. Flinn, July 1, 1943.
Robert K. Maddock, July 1, 1943.
Roy E. Butler, July 1, 1943.
Robert H. Onstott, July 1, 1943.
John L. Wilson, July 1, 1943.
George G. Van Dyke, July 1, 1943.
Leslie McC. Smith, July 1, 1943.
Alfred B. Geyer, July 1, 1943.
Oliver C. Williams, July 1, 1943.
Austin V. Deibert, July 1, 1943.
Richard C. Arnold, July 1, 1943.

Donald W. Patrick, July 1, 1943.

Marion K. King, July 1, 1943.

Thurman H. Rose, June 1, 1943.

The following-named assistant surgeons to be passed assistant surgeons in the United States Public Health Service, to rank as such from the date set opposite their names:

William A. Miller, July 1, 1943.
Robert L. Smith, July 1, 1943.
Joe M. Chisholm, July 1, 1943.
Kenneth M. Endicott, July 1, 1943.
Malcolm J. Ford, July 1, 1943.
James W. Hawkins, July 1, 1943.
Glen E. Ogden, April 22, 1943.
Rudolph F. Sievers, July 1, 1943.
Samuel S. Spicer, July 1, 1943.
William H. Stimson, July 1, 1943.
William B. Wiley, July 1, 1943.
Clarence L. Hebert, July 1, 1943.
James A. Finger, July 1, 1943.
George E. Parkhurst, July 1, 1943.
John F. Oesterle, June 1, 1943.
Frederick K. Albrecht, July 1, 1943.
Edwin N. Hesbacher, July 1, 1943.
William S. Baum, July 1, 1943.
Arnold B. Kurlander, July 1, 1943.
William F. Powell, July 15, 1943.
David B. Wilson, July 1, 1943.
Ralph W. Pagel, July 1, 1943.
Leslie W. Knott, July 1, 1943.
Evert A. Swensson, July 1, 1943.
Robert J. Anderson, July 1, 1943.
Jesse D. Harris, July 1, 1943.
Frederick H. Hull, June 26, 1943.
Raymond S. Roy, July 1, 1943.
James L. Southworth, June 1, 1943.
William G. Budington, July 1, 1943.
Gabriel P. Ferrazzano, June 15, 1943.
Stanley E. Krumbiegel, July 1, 1943.
Donald W. McNaughton, July 1, 1943.
James B. Donaldson, July 1, 1943.
James A. Smith, October 2, 1942.
Milton W. Gwinner, July 1, 1943.
Vernon W. Foster, August 15, 1943.
George F. Ellinger, June 1, 1943.
Verne C. Waite, July 1, 1943.

APPOINTMENTS IN THE REGULAR ARMY
TO BE CHIEF SIGNAL OFFICER

Maj. Gen. Harry Clyde Ingles (colonel, Signal Corps), Army of the United States, for appointment in the Regular Army of the United States as Chief Signal Officer, with the rank of major general, for a period of 4 years from date of acceptance, vice Maj. Gen. Dawson Olmstead, Chief Signal Officer, to be retired June 30, 1943.

TO BE SECOND LIEUTENANT, CORPS OF ENGINEERS,
WITH RANK FROM OCTOBER 5, 1942

First Lt. Dawson Hope Mullen, Jr.

TO BE FIRST LIEUTENANTS, MEDICAL CORPS, WITH
RANK FROM DATE OF APPOINTMENT

Maj. Frederic J. Hughes, Jr.

Maj. Vince Moseley

Capt. Adolph Benedict Schneider, Jr.

Capt. Freeman Irby Stephens

Capt. Bertram Allen Weeks

TO BE FIRST LIEUTENANT, DENTAL CORPS, WITH
RANK FROM DATE OF APPOINTMENT

Capt. Albert Rhoades Buckelew

TO BE FIRST LIEUTENANT, VETERINARY CORPS,
WITH RANK FROM DATE OF APPOINTMENT

Maj. Alpheus Heise Seeley

CONFIRMATIONS

Executive nominations confirmed by the Senate June 24 (legislative day of May 24), 1943:

REGISTER OF THE LAND OFFICE

Mrs. Jessie M. Gardner to be register of the land office at Denver, Colo.

POSTMASTERS

CALIFORNIA

Mary D. Briggs, Los Angeles.

MINNESOTA

Louis F. Masonick, Brownsville.

Russell A. Quist, Fairfax.

Sam Doherty, Le Sueur.

George V. Anderson, New York Mills.

H. R. 3030. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1944, and for other purposes, to the Committee on Appropriations.

URGENT DEFICIENCY APPROPRIATIONS

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair) laid before the Senate a message from the House of Representatives further insisting upon its disagreement to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 5 and the amendments of the Senate numbered 60 and 61 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McKELLAR. Mr. President, I move that the Senate still further insist on its amendments numbered 5, 60, and 61 to the bill; agree to the further conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. NYE, and Mr. LODGE conferees on the part of the Senate at the further conference.

CONTINUATION OF COMMODITY CREDIT CORPORATION

The Senate resumed the consideration of the bill (S. 1108) to continue Commodity Credit Corporation as an agency of the United States, increase its borrowing power, revise the basis of the annual appraisal of its assets, and to provide for an audit by the General Accounting Office of the financial transactions of the Corporation, and for other purposes.

Mr. O'MAHONEY obtained the floor.

Mr. AIKEN. Mr. President, will the Senator yield? I desire to speak for only a minute.

Mr. O'MAHONEY. I yield.

Mr. AIKEN. I wish to read to the Senate a telegram I received yesterday after I had concluded my remarks. It is from several of the leaders of farm organizations, and reads as follows:

WASHINGTON, D. C., June 24, 1943.

Senator GEORGE F. AIKEN,
Washington, D. C.

We have examined the Taft amendment to S. 1108. We do not favor this amendment and respectfully urge its defeat. We have also examined the Gillette-Aiken substitute and respectfully urge its passage.

Edward A. O'Neal, president, American Farm Bureau Federation; Fred Brenckman, Washington representative, National Grange; John Brandt, president, National Cooperative Milk Producers Federation; Charles W. Holman, secretary National Cooperative Milk Producers Federation; Ezra T. Benzon, executive secretary, National Council of Farmer Cooper-

atives; P. O. Wilson, cochairman, Livestock and Meat Council; Byron Wilson, chairman, legislative committee, National Wool Growers Association; Clark Brody, executive secretary, Michigan Farm Bureau; Earl Smith, president, Illinois Agricultural Association; F. E. Molin, secretary, American National Livestock Association.

Mr. President, I thank the Senator from Wyoming for yielding to me.

Mr. O'MAHONEY. Mr. President, I am about to speak on the question which is before the Senate. I quite agree with what the Senator from Georgia said upon the floor or in private conversation the other day, that this problem is by all odds the most important one before the Senate, before the Congress, and before the country.

Mr. LA FOLLETTE. Mr. President, will the Senator yield in order that I may suggest the absence of a quorum?

Mr. O'MAHONEY. I am happy to yield for that purpose.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Reed
Andrews	Hawkes	Revercomb
Ball	Hayden	Reynolds
Bankhead	Hill	Robertson
Bilbo	Holman	Russell
Bone	Johnson, Colo.	Scruggs
Brewster	Kilgore	Shipstead
Bridges	La Follette	Smith
Brooks	Langer	Stewart
Buck	Lodge	Taft
Burton	McCarran	Thomas, Idaho
Butler	McClellan	Thomas, Okla.
Byrd	McFarland	Thomas, Utah
Capper	McKellar	Tobey
Caraway	McNary	Truman
Chavez	Maloney	Tunnell
Clark, Mo.	Maybank	Tydings
Connally	Mead	Vandenberg
Davis	Millikin	Van Nuys
Downey	Moore	Wagner
Eastland	Murdock	Wallgren
Ellender	Murray	Walsh
Ferguson	Nye	Wheeler
George	O'Daniel	Wherry
Gerry	O'Mahoney	White
Green	Overton	Wiley
Guffey	Pepper	Willis
Gurney	Radcliffe	Wilson

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. A quorum is present.

BILL IMPORTANT ON HOME FRONT

Mr. O'MAHONEY. Mr. President, the issue which is presented by the various amendments which have been reported from the Banking and Currency Committee or which have been offered by various Senators—

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. O'MAHONEY. A quorum call has just been made.

Mr. SHIPSTEAD. Is there a quorum present?

Mr. O'MAHONEY. Senators have answered to their names and then left the Chamber to attend committee meetings. It is only appropriate that I should say that the Members of the Appropriations Committee, for example, are now holding subcommittee meetings, conference meetings, and hearings, and are

marking up various bills which are to be passed by the 30th of June. I was myself participating in the conference on the District of Columbia appropriation bill all morning, and was unable to be in the Chamber when the discussion began today. I can understand the absence of Senators from the Chamber. Their absence only emphasizes the importance of the subject matter of this bill and of the various amendments, which involve the whole capacity of America to wage this war upon the home front.

In the Appropriations Committee, which was considering the War Department bill day before yesterday, we heard the testimony of General Arnold, the head of the Air Force. Members of that committee were naturally asking him about the feats and the sufferings of the young men who constitute the Air Force, and who are carrying on the war over the Axis countries. I think it may be appropriate to recite here one story which he told.

Senators will remember that American Flying Fortresses made an attack upon the German base at Kiel, and that 24 American bombers failed to return from that engagement. Every Flying Fortress had a crew of 9 members, and each Flying Fortress, without regard to the armament or the radio installation, cost the people of this country more than \$385,000. Twenty-four of them, with their crews of 9 men each, failed to return to their base. Fortunately the failure of a plane to return to its base does not necessarily mean the loss of the lives of all the crew. It was in answer to questions with respect to that feature that General Arnold told the incident which I am about to repeat.

One of those planes was seen to be hit, and its engines were seen to catch on fire. It was falling, out of control, and seven of the crew of nine jumped with their parachutes, and were gradually coming down to earth. General Arnold stated that so far as the Germans are concerned, we know that fliers who jump by parachute are in no danger of being shot from the air, although the Japanese do shoot airmen who bail out. However, two of the crew did not bail out. They were gunners, one of them in the tail of the ship and the other in the nose. They stayed in the ship, sinking as it was to destruction in flames, and operated their guns all the way down.

Their companions in other planes who saw that those men were giving their lives when they might have jumped, destroyed in that action no less than seven German fighters.

UNITY DEMANDS WE FORGET GROUP INTERESTS

Mr. President, with those stories coming to us from the millions of boys who are waging this war, here on the home front we find labor wondering about how much it is going to receive, we find farmers wondering how much they are going to receive, and we find businessmen begging the Congress to change the law so that they will receive more. In all the confusion upon the home front there is this lack of understanding of the terrible

crisis in which this Nation and democracy are involved.

Ah, Mr. President, it seems to me that the time has come for us to forget our group interests, whatever they may be, and to think of those boys who are giving their lives to save the fundamentals of freedom and of democracy. Let us stop thinking about what someone is taking away from us, and let us make a constructive effort to achieve unity upon the home front.

PEOPLE KNOW WAR MUST BE WON

Mr. President, I know that the people of America are ready for that unity. It would not be possible for the citizens of America to respond as they have responded to the appeal to buy bonds; it would not be possible for the tax bills to be received with such apparent acquiescence in every community and in every State, if the people of America did not understand that there is a war to be fought, and war to be won.

I sympathize completely with everything which has been said on behalf of agriculture, I sympathize with the position of labor, I sympathize with the position of businessmen because I know that in 90 percent of all these cases the hearts and minds of all our citizens, whether they belong to labor, capital, or the farmer, are sound. What we lack is a comprehensive, all-embracing leadership, and a willingness to cooperate one with another here in the Government.

RESENTS EFFORTS TO BYPASS CONGRESS

I understand completely, and I have expressed myself over and over again, the dissatisfaction which Members of Congress feel because of the fact that the executive arm of the Government has on numerous occasions indicated its intention to bypass the Congress, to disregard Congress, to act without regard to the letter of the law, and to explain away some of the expansions and extensions of power which have been made. That is all true, Mr. President, but, on the other hand, knowing as I do the personnel of most of the executive agencies, I realize that 90 percent of the people in the bureaus want to do the right thing.

I have charged, and I do not withdraw the charge, that there have been men in the executive bureaus, such as the O. P. A., and the W. P. B., who have deliberately wanted to change our form of government, and who sought to use the war powers to bring about that objective. I know that there have been persons in various bureaus who have believed that the time has come when little business can be liquidated, when individual enterprise can be liquidated, and all those things accomplished. But this I know, as far as the O. P. A. is concerned, when our former colleague, Mr. Prentiss Brown, assumed his duties as the Administrator of that agency, he began immediately a good-faith effort so to administer it that it would be in accord and in harmony with the law and with the will of Congress. He has shown a disposition to cooperate with Congress and to discover from Congress the legislative intent. In this very matter he has come before the Committee on Banking and Currency, and has cooperated with the members of

the committee in an effort to work out a satisfactory solution of the problems involved. I do not believe that the solution which has been brought upon the floor is a satisfactory one, but I wish to recognize the essential ability and good faith of former Senator Brown, and those who are following his directions in the O. P. A.

I wish to compliment the Senator from Ohio [Mr. TAFT] for the broad-minded and constructive manner in which he has approached this problem. It would have been easy for one in his position to have laid aside the serious issue and to have thought in terms purely of partisan politics. It would have been easy for him to have denounced the whole subsidy program as though it were a thing to which we had never given our consent, as some have done. I wish to compliment the Senator from Ohio on the statesmanlike attitude which he has assumed.

Likewise, I may say as much for the Senator from Alabama who, I know, has been laboring in an effort to work out a solution of this matter.

I know that the distinguished Senator from Missouri [Mr. CLARK], whose amendment is now the pending business, has been actuated by the noble motive of restoring the power of Congress, the elected representatives of the people, in this great crisis. I am for all of them.

BILL FAILS TO SOLVE PROBLEM

Unfortunately, Mr. President, the suggestions which have been made here do not go to the heart of the problem. If we pass the pending bill with any of the amendments which have been proposed we shall still have failed to solve the problem which is presented to us. It is not sufficient to say there shall be no subsidies, and then, when we find that that broad declaration rules out subsidies for which we have asked vote to make modifications so as to preserve the subsidies which we want, while denouncing the subsidies which we do not want. Now, Mr. President, I desire to assert certain principles which I think ought to be contained in this bill and which, if they are not contained in the bill, will prevent a constructive solution of the tremendous problem which confronts us.

MUST MAINTAIN AGRICULTURAL PRODUCTION

The first principle to be laid down is that we must maintain agricultural production. We cannot afford to permit the production of agricultural commodities to be impeded, to be delayed, or to be suppressed; but the fact remains, Mr. President, that under the policies which we have been following up to this time obstacles have been raised to agricultural production. If this condition is not corrected the country will be unable to do the job it has assumed to do in the production of food not only for our armed forces and for our civilian population but for lend-lease and now, under Governor Lehman, for the relief of the stricken people of Axis-occupied countries.

How absurd it has been, Mr. President, for us for more than a year to have followed a policy which overlooked all these objectives and which was concerned only with the purpose of keeping down the cost of living so far as

foodstuffs are concerned for the consumer at the home table. It is only necessary to point out that the consumers at home have supported the black market. If they have sufficient money to support the black market then certainly they have sufficient money to support agricultural production upon a basis which will make it possible to produce what the Nation needs if it is to deliver on the commitments it has made to civilization.

I read in the newspapers that Members of Congress are now thinking of forming a consumers' block, which will be devoted to keeping down the cost of foodstuffs, no matter what may happen to the quantity of food the Nation needs to have in order to distribute it. We cannot permit ourselves to be driven into positions because the consuming masses in the large cities do not understand the problem; nor should we be driven to adopt any policy because telegrams pour in here from agricultural regions asking us to do this or that.

A few days ago, before the amendment offered by the Senator from Vermont [Mr. AIKEN] and the Senator from Iowa [Mr. GILLETTE] had even been presented at the desk of the Senate, telegrams from various areas were already on their way to my office asking me to support the Aiken-Gillette amendment, in fact, telling me I must support it. I knew that the authors of those telegrams had not the remotest knowledge of what was in that amendment. Not only did they not know, but Members of the Senate, Members of the other House, and even members of the Senate Banking and Currency Committee, struggling with this problem, did not know what it was. Yet we received these telegrams.

The same thing is true with respect to labor. Communications were received by members of this body with respect to the so-called Connally bill, demanding this or demanding that, from persons who we knew did not understand the first thing about the contents of that measure.

Obviously, if we are to legislate under the whip of pressure groups, we shall not be exercising the constitutional power and responsibility which belong to us and which we ought to exercise under the oath which we took when we became Members of this body.

So I say the first principle is agricultural production. Let us do what may be necessary to maintain it. If we are to do that—and certainly everybody will agree that it must be done—then, obviously, the second principle which I wish to emphasize comes into play, and that is that there shall be no roll-back upon the producer of agricultural products, for it is the roll-back or the fear of the roll-back that destroys the capacity of the farmer and the rancher to produce.

It is perfectly appropriate to point out here that in January 1942, almost a year and a half ago, when the emergency price control bill was under consideration on the floor of the Senate the Members of the Senate, by an overwhelming vote, approved an amendment the purpose of which was to tie agricultural wages and industrial wages together so that agriculture and industry could move together

Lest I forget, my really good friend the gentleman from Michigan [Mr. MICHENER] tried to place me in a position where I was opposed to producing all the needed pork or beef. On the contrary, I am for greater production. I think the farmers should be persuaded or urged to dispose of the corn which they are holding and hoarding for a still higher price, so that it can be fed to cattle and hogs in order that we may produce more meat to supply our Army as well as the civilian population. Of course the gentleman must have misunderstood me when he charged that I was trying to restrict production.

Then there was something said about the "black market."

The gentleman from Michigan has asked me whether I would withdraw my remarks as to the black market. I wish I could, but due to the many resolutions and information I have received, the facts are that the farmers selling outside of the regulations for a much higher price by a quiet arrangement with the livestock farmers dispose of their corn for feed purposes.

Now, Mr. Speaker and gentlemen, in addition to this information as to the black market, I have received several resolutions from the cattle, hog, and livestock feeders from several States, who assert that unless the roll-back order is rescinded they will immediately stop shipping their cattle and hogs to the market. Of course, that is very patriotic, extremely so, on their part, and I presume some of you gentlemen feel that it is patriotic. I do not. I think these organizations should not control the action of the Congress, because on its face their conduct shows a selfish and avaricious aim on their part in trying to force the Government to do or not do certain things, and trying to stop the Government from placing a ceiling on cattle and hogs. I feel that this should have been done from the very beginning.

Mr. Speaker, I insert at this point several telegrams and excerpts from letters which I have received from these selfish groups. Copies of these communications have been sent to the President, they are as follows:

WASHINGTON, D. C., June 23, 1943.

Hon. ADOLPH J. SABATH,
Member of Congress,
Washington, D. C.:

At a conference of Midwest Farm Bureaus, meeting in Chicago today, the following resolution was adopted: The subsidy and price roll-back on foods proposed by the administration is a subterfuge for increasing wages and other consumer incomes already at inflationary levels. It will be expensive to administer, benefits will be small in proportion to total cost, it will continue the already existing ruinous confusion, it contributes to rather than controls inflation, it will decrease rather than increase both agricultural and industrial production, it will impose further regimentation of production and distribution, and will aggravate our post-war price and income problem. For these and other equally important reasons this conference of Midwest Farm Bureaus, representing 12 States and 300,000 members, respectfully petitions our Federal administrative authorities to cease their effort to inflict this program upon us. We call upon our Congress to enact legislation which will prevent any general continuance or revival of this ill-

advised experiment. Copies of this resolution shall be sent each Senator and Congressman from these Midwest States and also to all proper Federal administrative authorities.

CONFERENCE OF MIDWEST FARM BUREAUS
OF THE AMERICAN FARM BUREAU FEDERATION.

JUNE 19, 1943.

DEAR SIR: For your information, the following wire was sent to President Franklin D. Roosevelt, June 18, 1943:

"The following resolution was passed in Fremont, Nebr., June 17, 1943, at a meeting of 700 livestock producers and feeders, representing many thousands more: 'In order to guarantee an adequate supply of pork, beef, and lamb for (1) armed forces, (2) the civilian population, and (3) lend-lease, that they demand that James Byrnes, Director of Office of War Mobilization, rescind his order, which is effective Monday, June 14, 1943, rolling back wholesale prices and ordering subsidies to be paid on beef, pork, and lamb and if it is not immediately rescinded the producers and feeders of the Corn Belt States will request all feeders and producers to withhold the marketing of slaughter animals effective Monday, June 28, pending compliance with their demand and further, that the feeders of the Corn Belt States demand that the reflected price on meat animals be sufficient to cover cost of production.'

"During the last week, because of the break in prices of live animals marketed, the producers and feeders have lost hundreds of thousands of dollars. The request to withhold the marketing of slaughter livestock would be made to save the producers from these losses during this period of uncertainties. Further, the Corn Belt producers and feeders of livestock stated in a resolution, 'We, the livestock feeders and producers from 28 counties in Nebraska and 9 in Iowa, oppose the roll-back and subsidy program on meat, butter, and coffee as un-American, inflationary, and discriminatory.' The livestock producers and feeders of the country at the request of the proper authorities in charge, and at your personal request, have increased the production and marketing of livestock to the highest levels in the history of this country. The decision to keep slaughter livestock off the market would not mean a strike in production, because the production of meat tonnage would continue on animals now in feed lots. Many feed-lot operators, however, already have been discouraged from buying additional livestock and have ceased making replacement purchases with the result that thousands of feed lots already are empty or are rapidly being emptied. In this they are influenced not only by price roll-backs recently announced, but also by the fear of further price reductions by the same method in the future.

"The apparent lack of understanding on the part of people in Washington as to the seriousness of the food situation and their unwillingness to request and accept the counsel and advice of people with knowledge and practical suggestions for solution gives them no choice but to take drastic action and insist that this whole problem have your personal, immediate attention.

"HARRY GARDNER,

"Oakland, Iowa.

"HERMAN DINKLAGE,

"Wisner, Nebr.

"Resolution Committee."

HARRY GARDNER,

HERMAN DINKLAGE.

CHICAGO, ILL., June 22, 1943.

ADOLPH J. SABATH,

Member of Congress, Washington, D. C.:

The members of the National Live Stock Exchange most respectfully urge your strong support of amendment to Steagall bill, H. R. 2869, Commodity Credit Corporation. This

amendment prohibits the use of Government funds for payment of subsidies and roll-back of price. Your assistance will be appreciated.

JOHN SANDERS,
President, The National
Live Stock Exchange.

I do not want to criticize the administration, but even this great administration, that always has the interest of the masses at heart, makes mistakes when they listen to some of the Republicans who happen to be in important positions, and I hope this influence, if any, that has been exerted, will be eliminated. If we expect to have reasonable prices on meat we must necessarily place a ceiling on cattle and hogs, fully appreciating that it is manifestly unfair to place a ceiling on meats without at the same time placing one on livestock. Not that I am interested in the packers. In fact, I shall, if time permits, explain more thoroughly my position as to the packing industry. They are not losing money, but they are trying to make the country believe they are being ruined. These, however, are the facts:

Mr. Speaker, today we are considering one part of this home-front crisis—that part which has to do with national economic stabilization—control of cost of living. Avoidance of inflation is absolutely imperative if the home front is to be a strong foundation for the battle front. Up to now prices have not been controlled effectively but have been soaring through rising price ceilings and lack of enforcement. An attack is under way by the representatives of special interests—the great trade associations, the great retail-wholesale associations, the great meat-packing associations, and great real-estate associations—all designed to gain special profit at the cost of wrecking the national stabilization program. This offensive against the war effort at home has created a major crisis for the Nation. It is a fine thing that the Congressional Committee for the Protection of Consumers has been organized to make a vigorous fight on this issue. I am glad to be a part of it.

MEAT PROFITEERING IS SAMPLE OF TOTAL PICTURE

On Wednesday the Washington Post carried a story, as have other parts of the press, in which they refer to "the continued strike against O. P. A. price policy by major beef slaughterers of the country," which was leading to a crisis in the meat supply of the Nation for war workers, for the Army, and for citizens generally. This strike is just as reprehensible as the coal-miners' strike and has just as serious potentialities for the war effort. It is a clear attempt on the part of the large meat packers to force the Government to adjust its price policies to suit their desires for maximum profits.

While meat packers claim hardship, the facts are that they have profited at enormous rates from their meat sales during the wartime. Specifically, official Government analysis of profits of 17 leading meat packers shows that profits in 1942 increased 460 percent over the average profits for the pre-war period of 1936-39. Under these circumstances can they scream "hardship"? Even after taxes the increase in profits was almost 300 percent for these 17 leading meat packers,

which includes Armour, Cudahy, Hornel, Swift, Wilson, and so forth. It is an attempt to maintain these profit levels that the meat packers organized their great lobbies to fight vigorous price-control policies on the part of the Government. It is the obligation of the agencies administering this program and of the Congress to see to it that they do not succeed in this sabotage of the Nation's war effort.

These large packers, because of their size, have been able to take advantage of the small packers, squeeze them out of business, and increase their own monopoly power in the industry. This must stop. The Government must control the pricing process and the distribution of meat from beginning to end. It is imperative that prices be put on livestock to avoid the inevitable squeeze between uncontrolled livestock prices and controlled retail prices. The use of the subsidy program to roll back these prices is clearly the only means of reducing the cost to the consumer of this vital part of their food budget.

Mr. FULMER. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. FULMER. Just to state to the gentleman that he is now giving some good information to the House, because when you fix the price of meat without fixing the price of hogs or cattle, then the price of hogs or cattle can go anywhere, to a point where the packer cannot afford to buy them, but if you start at the bottom and fix the price on the raw material with proper differentials, then you will never need to change the differential unless mages go up or down.

Mr. SABATH. I thank the gentleman for his observation, and yield now to my friend from Indiana.

Mr. WILSON. Is it the gentleman's opinion or impression that the farmers are in favor of these subsidies?

Mr. SABATH. From my observation I think the farmers will not refuse them, because so far they have been glad to get anything that they have been able to get. In fact, they have been receiving more than they asked for from this Congress, and still do not appreciate it. That is what I cannot understand—when we have done so much for the farmer by which they are now getting two or three or four hundred percent more for their products than they did under a Republican administration, yet they still seem to refuse or fail to recognize the benefit accruing to them and the good that has been done for them by the Democrats.

Mr. FISH. Oh, the farmers will not get 1 penny of this subsidy. It will go to the packers. Not 1 dime of it goes to the farmers.

Mr. SABATH. I am not interested or in favor of any subsidy to the packers unless where it be actually necessary to equalize conditions to bring about a reduction in the cost of living. I am interested in the little fellow. That has been my aim, and it is because the little fellow needs protection.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. DONDERO. I know that the gentleman is sincere in his statement in regard to the little farmer, but at the beginning of the session today I read to the House two telegrams from two small farmers' associations in my district, and they are all against this idea and theory of a subsidy, and in the telegrams they said that they resented it.

Mr. SABATH. I am not entirely wedded to a subsidy, as I stated, with the exception of where it might reduce an unjustifiable high cost of living. I am speaking on the roll-back of prices. I think the prices of commodities should be reduced because they were permitted, due to your unfortunate delay and interference with the O. P. A., and the prices have not been fixed as they should have been fixed. Prices are too high, and the cost of living is too great. It should be reduced not only by 10 percent, but by 25 percent, because the 21,000,000 of white-collared people and wage earners in this country, as I said before, cannot live and pay the prices today on the wages that they are now receiving.

It is amazing that the Commodity Credit Corporation, having rendered such great and beneficial service to agriculture, having raised farm prices, that now the same Republican gentlemen are endeavoring to restrict the activities of that Corporation because it might find it necessary to limit profits and thereby to some extent reduce the cost of living.

This morning and this afternoon a meeting was held by many sincere and well-meaning Members of Congress, which I regret I was unable to attend, due to my being obliged to remain on the floor. This conference is being held because the whole war effort is being jeopardized by the attack on the home front being made by a combination of Axis sympathizers, profiteers, business-as-usual followers, and a few misleaders of labor, such as John L. Lewis. This disruptive activity has led to such disastrous actions as the recent race riots in Detroit, Mich., Beaumont, Tex., and Los Angeles, Calif., which threaten the effective unity of the Nation to win the war. "Business as usual" has resulted in a serious condition in our war-production program, as was indicated by Under Secretary of War Patterson, who last week reported to the Nation that production was 5½ percent behind schedule and that this would inevitably result in the needless loss of American lives on the battle front. It is also evident from the report of the Kilgore committee of the Senate, which points out the very serious shortcomings on the home front.

(Mr. SABATH asked and was given unanimous consent to revise and extend his remarks in the Record.)

The SPEAKER. The time of the gentleman from Illinois has expired. The question is on agreeing to the resolution. The resolution was agreed to.

URGENCY DEFICIENCY APPROPRIATION BILL, 1943

Mr. CANNON of Missouri. I ask unanimous consent to take from the Speaker's table the bill (H. R. 2714) making appropriations to supply urgency deficiencies in certain appropriations for

the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, further disagree to the Senate amendment to the House amendment to Senate amendment No. 5 and further insist on its disagreement to Senate amendments Nos. 60 and 61, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. TABER. Mr. Speaker, reserving the right to object, in the other body when this came up there was a prolonged discussion about the right of a legislative body to take people off the rolls. Just so that the House and the country may know what the other body thought of the right to do this sort of thing, I desire to read a paragraph from S. 575, which passed the Senate on June 14. The paragraph is as follows:

Page 2, line 9: "No person shall hold any such office or position after June 30, 1943, unless he shall have been so appointed: *Provided*, That any person now holding any such office or position who was not so appointed"—

That is, with confirmation by the Senate—

"may continue to hold such office or position until his successor is appointed or qualified, or until September 30, 1943, whichever is earlier, if nomination for the appointment to such office or position has been submitted to the Senate prior to June 30, 1943."

The Senate passed that bill which threw everyone off the rolls who had not been confirmed by the Senate and who received a salary of over \$4,500 a year, on the 14th of June by a vote of 42 to 29—just exactly the same proposition that the House presented in H. R. 2714.

[Mr. CANNON of Missouri addressed the House. His remarks will appear hereafter in the Appendix.]

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none and appoints the following conferees: Mr. CANNON of Missouri, Mr. WOODRUM of Virginia, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. RABAUT, Mr. JOHNSON of Oklahoma, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1944

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the House conferees may have until midnight tonight to file a report and statement on the appropriation bill for the District of Columbia for the fiscal year ending June 30, 1944.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2518) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District, for the fiscal year ending June 30, 1944, and for

without any direct supervision or control.

Mr. ANGELL. I call the gentleman's attention to an extension I placed in the RECORD today from the Legion post at Portland, Oreg., protesting against the release of these Japanese.

The SPEAKER pro tempore. The time of the gentleman has again expired.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix on three subjects and to include certain statements and excerpts.

The SPEAKER pro tempore. Is there objection?

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1944

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. TARVER] may leave until midnight tonight to file a conference report and statement on the Department of Agriculture appropriation bill, H. R. 2481.

The SPEAKER pro tempore. Without objection, it is ordered.

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate and amendments of the House to certain amendments of the Senate to the bill (H. R. 2481) "making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1944, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 97, 122, and 123.

That the House recede from its disagreement to the amendment of the Senate numbered 116; and agree to the same.

Amendment numbered 19: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: Strike out the word "herein" where it occurs in said amendment and insert in lieu thereof the words, "in this Act"; and the House agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$3,128,600"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$1,349,063"; and the Senate agree to the same.

Amendment numbered 126: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 126, and agree to the same with amendments, as follows:

In the first paragraph of said amendment in the proviso thereof, and after the word "projects" where the same first occurs in such proviso, insert the words "under his supervision."

At the end of the first paragraph of said amendment, following the word "funds" and before the period, insert the following:

"*Provided further*, That during the first four months of the fiscal year ending June 30, 1944, the Administrator of the War Food Administration may, in his discretion, authorize expenditures from this appropriation at a rate in excess of one-twelfth of the total appropriation during each of such months."

In the third paragraph of said amendment after the word "elsewhere", and before the comma, insert the following: "at comparable rates for the area where such loan is proposed to be made."

In the third paragraph of said amendment before the word "Provided" strike out the colon and insert a period, and strike out all of the proviso down to and including the word "made".

In the fourth paragraph of said amendment after the word "necessary" insert the following: "in the discretion of the Administrator."

At the end of the matter inserted by said amendment, insert a new paragraph reading as follows:

"No part of the appropriation herein made under the heading "Loans, grants, and rural rehabilitation" shall be available to pay the compensation of any person appointed in accordance with the civil-service laws."

And the House agree to the same.

Amendment numbered 127: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows: In the third paragraph of said amendment, in the first proviso thereof, after the word "tenancy" and before the semicolon, insert the following: "or an amount sufficient to make not more than five loans in any one State or Territory, whichever amount is the larger"; and the House agree to the same.

The committee of conference report in disagreement amendments numbered 87, 88, 92, 98, and 99.

M. C. TARVER,
CLARENCE CANNON,
W. P. LAMEERTSON,
EVERETT M. DIJKSEN,

Managers on the part of the House.

RICHARD B. RUSSELL,
CARL HAYDEN,
M. E. TYDINGS,
J. H. BANKHEAD,
GERALD P. NYE,
CHAS. L. McNARY,

Managers on the part of the Senate.

STATEMENT

(Second conference report)

The managers on the part of the House at the second conference on the disagreeing votes of the two Houses on certain amendments of the Senate and amendments of the House to certain amendments of the Senate to the bill (H. R. 2481) "making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1944, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

TOTALS, AND OTHER TECHNICAL AMENDMENTS

The following amendments relate to correction of totals, technical correction of text, etc.: Nos. 19, 120, and 121.

PARITY PAYMENTS

Amendment No. 97: Strikes out the language inserted by the Senate authorizing parity payments for the crop years 1943 and 1944.

U. S. WAREHOUSE ACT

Amendment No. 116: Appropriates \$464,115 as proposed by the Senate, instead of \$400,000 as proposed by the House.

RURAL ELECTRIFICATION ADMINISTRATION—
LOANS

Amendment No. 122: Appropriates \$20,000,000 as proposed by the House, instead of \$30,000,000 as proposed by the Senate.

RURAL REHABILITATION

(Farm Security Administration)

Amendment No. 126: Retains the House provision, with amendments as indicated in the following text. The portions of the House provision which have been deleted are incorporated in the text, enclosed by brackets. New language, proposed to be added, is shown in italic type.

LOANS, GRANTS, AND RURAL REHABILITATION

To enable the Secretary through the War Food Administration to continue to provide assistance through rural rehabilitation and grants to needy farmers in the United States, its Territories, and possessions, including (1) farm debt adjustment service, and making and servicing of loans and grants under this and prior laws; (2) loans to needy individual farmers; (3) grants; and (4) liquidation as expeditiously as possible of Federal rural rehabilitation projects under the supervision of the War Food Administration, \$20,000,000, which sum shall be also available for necessary administrative expenses incident to the foregoing, including personal services in the District of Columbia and elsewhere; compensation of experts without regard to the Classification Act of 1923, as amended; purchase of lawbooks, books of reference, periodicals, and newspapers; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; and printing and binding: *Provided*, That the War Food Administrator shall transmit to the Congress semiannually a progress report with respect to the liquidation of Federal rural rehabilitation projects *under his supervision*, showing by name and by States all dispositions of such projects, or parts thereof, together with the amounts of Federal funds expended in the process of liquidation, and any losses incurred in the use of such funds: *Provided further*, That during the first 4 months of the fiscal year ending June 30, 1944, the Administrator of the War Food Administration may, in his discretion, authorize expenditures from this appropriation at a rate in excess of one-twelfth of the total appropriation during each of such months.

In making any grant payments under this act, the Secretary is authorized to require with respect to such payments the performance of work on useful public projects, Federal and non-Federal, including work on private or public land in furtherance of the conservation of natural resources, and the provisions of the Act of February 15, 1934 (5 U. S. C. 796), as amended, relating to disability or death compensation, and benefits shall apply to those persons performing such work: *Provided*, That this section shall not apply to any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death.

For additional funds for the purpose of making rural rehabilitation loans to needy individual farmers, who are unable to obtain credit elsewhere at comparable rates for the area where such loan is proposed to be made, the Reconstruction Finance Corporation is authorized and directed to make advances to the secretary upon his request in an aggregate amount of not to exceed \$60,000,000. Such advances shall be made (1) with interest at the rate of 3 percent per annum payable semiannually; (2) upon the security of obligations acceptable to the Corporation heretofore or hereafter acquired by the Secretary pursuant to law; (3) in amounts which shall not exceed 75 percent of the then unpaid principal amount of the obligations securing such advances; and (4) upon such other terms and conditions, and with such maturities, as the Corporation may determine: *Provided*, That no loan shall be made out of such funds except loans which have first been offered and refused by other lending agencies (including the Emergency Crop and

Feed Division of the Farm Credit Administration, the Production Credit Associations, and private lending agencies) customarily engaged in making loans of a similar character at comparable rates for the area where such loan is proposed to be made. The Secretary shall pay to the Corporation, currently as received by him, all moneys collected as payments of principal and interest on the loans made from the amounts so advanced or collected upon any obligations held by the Corporation as security for such advances, until amounts are fully repaid. The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under the provisions of law in force on the date this act takes effect is hereby increased by an amount sufficient to carry out the provisions of this paragraph.

None of the moneys appropriated or otherwise authorized under this caption ("Loans, grants, and rural rehabilitation") shall be used for (1) the purchase or leasing of land or for the carrying on of any land-purchase or land-leasing program; (2) the carrying on of any operations in collective farming, or cooperative farming, or the organization, promotion, or management of homestead associations, land-leasing associations, land-purchasing associations, or cooperative land purchasing for colonies of rehabilitants or tenant purchasers, except for the liquidation as expeditiously as possible of any such projects heretofore initiated; or (3) the making of loans to any individual farmer in excess of \$2,500; or (4) the making of loans to any cooperative association; or (5) the making of loans for the payment of dues to or the purchase of any share or stock interest in any cooperative association (except for medical, dental, or hospital services) or for any expenditure other than that deemed necessary, in the discretion of the Administrator, for the production of agricultural commodities.

The Secretary of Agriculture may expend funds administered by him as trustee under the various transfer agreements with the several State rural rehabilitation corporations only for purposes for which funds made available under this caption may be expended, and the limitations applicable to such funds shall also be applicable to the expenditure of such trust funds by the Secretary of Agriculture.

The appropriation and authorizations herein made under the heading "Loans, grants, and rural rehabilitation," shall constitute the total amount to be available for obligation under this heading during the fiscal year 1944 and shall not be supplemented by funds from any source.

No part of the appropriation herein made under the heading "Loans, grants, and rural rehabilitation" shall be available to pay the compensation of any person appointed in accordance with the civil-service laws.

FARM TENANCY

Amendment No. 127: Retains the House provision, with an amendment shown in italic type in the following text:

FARM TENANCY

To enable the Secretary through the War Food Administration to carry into effect the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C., 1000-1006), as follows:

Salaries and expenses: For necessary expenses in connection with the making of loans under title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C., 1000-1006), and the collection of moneys due the United States on account of loans heretofore made under the provisions of said act, including the employment of persons and means in the District of Columbia and

elsewhere, exclusive of printing and binding as authorized by said act, \$1,326,070.

Loans: For loans to individual farmers in accordance with title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C., 1000-1006), \$30,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation at an interest rate of 3 per centum per annum and which sum shall not be used for making loans under the terms of said Act for the purchase of farms of greater value than the average farm unit of thirty acres and more in the county, parish, or locality in which such purchase may be made, which value shall be determined solely according to statistics of the farm census of 1940: *Provided*, That the amount which is available to any State or Territory for making loans under such title I shall be distributed by the Secretary, in accordance with rules prescribed by him, among the several counties or parishes in such State or Territory, except that he shall not distribute to any such county or parish in excess of two times the amount which would be distributed to such county or parish were the entire amount available to the State or Territory distributed among the several counties or parishes in such State or Territory on the basis of farm population and the prevalence of tenancy, or an amount sufficient to make not more than five loans in any one State or Territory, whichever amount is the larger; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum to the Secretary upon the security of any obligations of borrowers from the Secretary under the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C., 1000-1006): *Provided*, That the amount loaned by the Reconstruction Finance Corporation shall not exceed 85 per centum of the principal amount outstanding of the obligations constituting the security therefor; *Provided further*, That the Secretary may utilize proceeds from payments of principal and interest on any loans made under such title I to repay the Reconstruction Finance Corporation the amount borrowed therefrom under the authority of this paragraph: *Provided further*, That the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof.

AMENDMENTS IN DISAGREEMENT

The managers on the part of the House report the following amendments in disagreement:

CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

Amendment No. 87: Strikes out the House language limiting the appropriation to payments "for compliances with soil-building practices and water conservation practices under the Soil Conservation and Domestic Allotment Act, as amended" and inserts language making the appropriation available "for compliance with programs under the Agricultural Adjustment Act of 1938, as amended, and the Act of February 29, 1936, as amended", etc.

Amendment No. 88, incentive payments: Strikes the House provision prohibiting incentive payments.

Amendment No. 92: Strikes out the House language limiting the program to soil-building practices and soil- and water-conservation practices, and inserts language permitting a program of broader scope, giving more emphasis to the production of food by including practices not necessarily soil-building.

Federal crop insurance

Amendments Nos. 98 and 99, Federal crop insurance: Appropriates \$7,818,748, instead of \$3,500,000 as proposed by the House, and

strikes out the House language providing for liquidation of the corporation.

M. C. TARVER,
CLARENCE CANNON,
W. F. LAMBERTSON,
EVERETT M. DIRKSEN,

Managers on the part of the House.

URGENT DEFICIENCY APPROPRIATION BILL, 1943

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CANNON] may have until midnight tonight to file a conference report on the urgent deficiency appropriation bill, H. R. 2714.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 2714) "making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment numbered 5, and agree to the same with an amendment, as follows: Omit all of the matter proposed to be stricken out by such amendment and omit all of the matter proposed to be inserted in lieu thereof by action of the Senate and House of Representatives; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: Restore the matter stricken out by such amendment, amended to read as follows:

"Sec. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this Act, or (2) which is now, or which is hereafter made, available under or pursuant to any other act, to any department, agency, or instrumentality of the United States, shall be used, after November 15, 1943, to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Junior, and Robert Morris Lovett, unless prior to such date such person has been appointed by the President, by and with the advice and consent of the Senate: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to November 15, 1943: *Provided further*, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States nor any benefit, pension, or emolument resulting therefrom."

And the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 61.

CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JED JOHNSON,

Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
RICHARD B. RUSSELL,
GERALD P. NYE,
H. C. LODGE, JR.,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on Senate amendments numbered 5, 60, and 61 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

No. 5: The original House bill carries provision extending until June 30, 1944, the unexpended balance in the President's emergency fund on June 30, 1943. To this provision the House added a prohibition on the use of the fund for making allocations to the National Resources Planning Board and the Farm Security Administration. The Senate struck out this provision and inserted language of a general character restricting the use of the fund. The House adopted the Senate proposed language modified so as to make exemptions for the Army, Navy, State Department, and Office of Strategic Services but left the Senate language applicable to all other Federal agencies. The Senate accepted the House modification of the Senate language but added a further exception for the Federal Bureau of Investigation. The conference agreement omits the original House amendment relating to the National Resources Planning Board and the Farm Security Administration, and also omits all other proposed substitute language of the Senate and House and leaves the continuation of the fund in the form originally reported to the House by the Committee on Appropriations. The House provision relating to the Planning Board and Farm Security is covered in other measures. The independent offices appropriation bill, 1944, contains provision prohibiting the funds for that Board in that bill from being supplemented from any other source and similar provision with respect to Farm Security is contemplated in connection with the agricultural appropriation bill, 1944, now pending.

No. 60: The House bill, by section 304, contains a prohibition on the use of any Federal funds, after the date of the enactment of the bill, for continuing in Federal employment Goodwin B. Watson, Wm. E. Dodd, Jr., and Robert Morss Lovett. The Senate struck out this section. The conference agreement restores the section modified so as to prohibit the use of Federal funds for their employment after November 15, 1943, unless such persons, prior to that date, have been appointed by the President by and with the advice and consent of the Senate.

No. 61: Corrects a section number; the amendment is reported in disagreement. The House managers will move to recede and concur in the Senate amendment with an amendment correcting the section number and inserting a paragraph to make appropriations in the bill, or portions of appropriations, available for obligation in the fiscal year 1944, retroactive to July 1 in the event the bill does not become a law by that date.

CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JED JOHNSON,

Managers on the part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. EATON (at the request of Mr. POWERS), for 5 days, on account of Government business.

To Mr. EDWIN ARTHUR HALL, indefinitely, on account of official business.

To Mr. FAY (at the request of Mr. SLAUGHTER), indefinitely, on account of illness.

EXTENSION OF REMARKS

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from California [Mr. KING] may extend his own remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein certain excerpts.

The SPEAKER pro tempore. Is there objection?

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. KLEIN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 338. An act to authorize the incorporated city of Anchorage, Alaska, to purchase and improve the electric light and power system of the Anchorage Light & Power Co., Inc., an Alaska corporation, and for such purpose to issue bonds in the sum of not to exceed \$1,250,000 in excess of present statutory debt limits.

H. R. 2292. An act to amend an act entitled "An act to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war";

H. R. 2409. An act making appropriations for the legislative branch and for the judiciary for the fiscal year ending June 30, 1944, and for other purposes;

H. R. 2612. An act to extend the effective date of the act of December 17, 1941, relating to additional safeguards to the radio communications service of ships of the United States; and

H. J. Res. 131. Joint resolution giving the consent of the Congress to an agreement between the State of Indiana and the Commonwealth of Kentucky establishing a boundary between said State and said Commonwealth.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned until tomorrow, Tuesday, June 29, 1943, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE PUBLIC LANDS
(Tuesday, June 29, 1943)

There will be a meeting of the Committee on the Public Lands at 10 a. m., Tuesday, June 29, 1943, for the purpose of considering H. R. 2596, to protect naval petroleum reserve No. 1, and such other matters as may properly come before the committee.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS
(Tuesday, June 29, 1943)

There will be a meeting of the committee at 10:30 a. m. on Tuesday, June 29, 1943, for consideration of H. R. 1767 and H. R. 340.

COMMITTEE ON THE JUDICIARY
(Wednesday, June 30, 1943)

The special subcommittee on bankruptcy and reorganization of the Committee on the Judiciary will conduct further hearings on H. R. 2857, a bill to amend section 77 of the act of July 1, 1898, entitled "An act to establish a uniform system of bankruptcy throughout the United States," as amended, at 10 a. m. on Wednesday, June 30, 1943, in room 346, Old House Office Building, Washington, D. C.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE
(Wednesday, June 30, 1943)

There will be a meeting of the subcommittee on investigation of restrictions on brand names and newsprint of the Committee on Interstate and Foreign Commerce at 2 p. m., Wednesday, June 30, 1943. Business to be considered: To hear Mr. MacLeod, Office of Price Administration.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

519. A letter from the Archivist of the United States, transmitting report on a list of papers reported to him for disposal by the United States Maritime Commission; to the Committee on the Disposition of Executive Papers.

520. A letter from the Archivist of the United States, transmitting report on lists of papers reported to him for disposal by certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

521. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the National Housing Agency in the amount of \$300,000,000 for war housing (H. Doc. No. 246); to the Committee on Appropriations and ordered to be printed.

522. A letter from the Administrator of Veterans' Affairs, transmitting a draft of a proposed bill to regulate the furnishing of artificial limbs or other appliances to retired officers and enlisted men of the Army, Navy, Marine Corps, or Coast Guard and to certain civilian employees of the military and naval forces of the Regular Establishment; to the Committee on World War Veterans' Legislation.

523. A letter from the Secretary of the Interior, transmitting a statement of costs, cancellations, and miscellaneous data pertaining to Indian irrigation projects compiled as of June 30, 1942; to the Committee on Indian Affairs.

524. A letter from the Acting Secretary of the Navy, transmitting the statement that since the act of Congress approved February 19, 1943 (Public Law 1, 78th Cong., ch. 1, 1st sess.), no acquisition of land, by lease or otherwise, has been effected pursuant to its authority; to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LESINSKI:

H. R. 3055. A bill to repeal Public Law No. 89 of the Seventy-eighth Congress; to the Committee on Military Affairs.

By Mr. POULSON:

H. R. 3056. A bill to amend section 313 of the Federal Corrupt Practices Act, 1925, as amended, for the purpose of making the provisions of such section prohibiting political contributions apply equally to labor organizations and management organizations; to the Committee on the Judiciary.

By Mr. CURTIS:

H. R. 3057. A bill to amend the law relative to the collection of seed and feed and other agricultural loans; to the Committee on Ways and Means.

By Mr. MAAS:

H. R. 3058. A bill to provide for post-war planning, and for other purposes; to the Committee on Ways and Means.

By Mr. PHILLIPS:

H. R. 3059. A bill granting travel pay and other allowances to certain soldiers of the War With Spain and the Philippine Insurrection who were discharged in the Philippine Islands; to the Committee on War Claims.

By Mr. COFFEE:

H. Res. 272. Resolution to investigate the relationship of assistance granted by agencies of the United States Government to the Shipshaw project in Canada to the program of the United States for furnishing metals for war purposes; to the Committee on Rules.

By Mr. PETERSON of Florida:

H. Res. 273. Resolution authorizing a study by the Committee on the Public Lands of certain public-land problems; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Illinois, memorializing the President and the Congress of the United States to pass legislation to afford a reasonable opportunity to every member of the military forces of the United States; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GREEN:

H. R. 3060. A bill for the relief of Robert C. Parker and Orion C. Parker, Jr.; to the Committee on Claims.

By Mr. RUSSELL:

H. R. 3061. A bill for the relief of Ina Burke Young; to the Committee on Claims.

By Mr. TARVER:

H. R. 3062. A bill for the relief of the board of trustees, Summerville Consolidated School District, Chattooga County, Ga.; to the Committee on Claims.

By Mr. WELCH:

H. R. 3063. A bill for the relief of James J. Orme; to the Committee on Military Affairs.

By Mr. WICKERSHAM:

H. R. 3064. A bill for the relief of Cleo Pickrell, of Tipton, Okla.; to the Committee on Claims.

By Mr. WHELCHER:

H. R. 3065. A bill for the relief of H. E. Terrell, Jr.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1753. By Mr. ANGELL: Petition of certain citizens of Portland, Oreg., asking for the enactment of House bill 2082; to the Committee on the Judiciary.

1754. By Mr. HEIDINGER: Petition presented by W. L. Williams, of Grayville, Ill., signed by 60 members and friends of the Methodist Church of Grayville, Ill., urging legislation to prevent all kinds of advertisements of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

1755. Also, communications from Herbert Austin, of Carmi; Ellis Hall, of Louisville; L. E. Stoutenberg, of Flora; and Adolph I. Desch, of Wendelin, Ill., representative citizens of southern Illinois, earnestly opposing the proposed subsidy and roll-back on food prices; to the Committee on Agriculture.

1756. By Mr. NORMAN: Petition of Nellie O. Taylor and 27 other citizens of Elma, Wash., and vicinity, requesting the enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

1757. By Mr. BROWN of Ohio: Petition of Etta Buckley and 128 other citizens of Clark County, Ohio, favoring the passage of House bill 2082, to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of mobilization; to the Committee on the Judiciary.

1758. By Mr. MOTT: Petition signed by A. Erickson, of Canby, Oreg., and 19 other citizens of the State of Oregon, urging the enactment of House bill 2082; to the Committee on the Judiciary.

1759. Also, petition signed by A. H. Smith and 39 other citizens of Salem, Oreg., urging passage of the Culkin bill (H. R. 1924); to the Committee on Interstate and Foreign Commerce.

1760. By Mr. LAFOLLETTE: Petition of the Dubois County (Ind.) Farmers Guild denouncing the activities of and demanding the repeal of the Agricultural Adjustment Administration and the stoppage of all appropriations therefor; to the Committee on Agriculture.

1761. By Mr. SHAFER: Resolution adopted by General George A. Custer Post No. 54, the American Legion, Battle Creek, Mich., protesting against the release of Japanese from war relocation centers, requesting return to such centers of persons already released and advocating placing war relocation centers under military authority; to the Committee on Military Affairs.

1762. By Mr. RAMEY: Petition of 348 citizens of Lucas County, Ohio, urging the enactment of House bill 2082, introduced by Hon. JOSEPH P. BRYSON, of South Carolina, to reduce absenteeism, conserve manpower, and speed the production of materials neces-

sary for the winning of the war; to the Committee on the Judiciary.

1763. By Mr. VORYS of Ohio: Petition of Gertrude M. Sowers and 458 other residents of Franklin County, urging the enactment of House bill 2082; to the Committee on the Judiciary.

1764. Also, petition of Mrs. Flonda K. Dyer and 29 other residents of Franklin County, urging the enactment of House bill 2082; to the Committee on the Judiciary.

1765. By Mr. WALTER: Petition regarding House bill 1012; to the Committee on Interstate and Foreign Commerce.

1766. By Mr. WELCH: Tabulated record of sentiments of representative group of citizens of Salinas, Calif., regarding the Japanese situation; to the Committee on Immigration and Naturalization.

1767. Also, petition of the County Supervisors Association of California, adopted June 18, 1943, regarding the Japanese situation; to the Committee on Military Affairs.

1768. By Mr. ELSTON of Ohio: Petition of the Reciprocity Club, affiliate of Cincinnati Club, Cincinnati, Ohio, signed by 39 residents of Cincinnati, Ohio, protesting against the enactment of any and all prohibition legislation; to the Committee on the Judiciary.

1769. Also, petition of Herbert Hoffheimer and signed by 19 other residents of Cincinnati, Ohio, protesting against the enactment of any and all prohibition legislation; to the Committee on the Judiciary.

1770. By Mr. ROLPH: Resolution of the San Francisco Labor Council, adopted June 18, 1943, supporting the action taken by the San Francisco Board of Supervisors requesting that priorities be granted for the construction of 5,000 moderately priced family dwellings for war workers within the city and county of San Francisco; to the Committee on Banking and Currency.

1771. Also, resolution of the San Francisco building and construction trades council, relative to increasing dependency allotments to aged mothers and fathers of the armed forces; to the Committee on Military Affairs.

1772. Also, resolution of the Berkeley Lodge, No. 1002, Benevolent and Protective Order of Elks, commending Gen. John L. DeWitt for the efficient manner in which he conducted the registration and removal of persons of Japanese descent to relocation centers and the courageous stand he has taken in all matters connected therewith, and opposing any action toward the release of native-born Japanese from the relocation centers; to the Committee on Military Affairs.

1773. Also, resolution of the County Supervisors Association of California, Sacramento, Calif., expressing appreciation of the services of Gen. John L. DeWitt and their confidence in his leadership, and urging those in authority to approve the acts and orders of General DeWitt, particularly in reference to the evacuation of the Japanese people, and to continue General DeWitt in charge of the Western Defense area; to the Committee on Military Affairs.

1774. By the SPEAKER: Petition of the Atlantic States Shippers Advisory Board, New York, N. Y., petitioning consideration of their resolution with reference to additional governmental agencies for the purposes of regulating, controlling, or developing transportation; to the Committee on Interstate and Foreign Commerce.

NARY conferees on the part of the Senate at the further conference.

APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA—CONFERENCE REPORT

Mr. O'MAHONEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2513) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District, for the fiscal year ending June 30, 1944, and for other purposes, having met, after full and free conference, having agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 15, 17, 22, 40, and 71.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 7, 8, 11, 12, 16, 18, 19, 20, 21, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44, 47, 48, 49, 50, 51, 52, 53, 54, 56, 60, 61, 62, 63, 66, 67, and 69; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$95,200"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$80,676"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$122,730"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$8,840,400"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$977,107"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$237,610"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$145,750"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$261,740"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In line 1 of said amendment, and after the comma, strike out the word "and" and insert in lieu thereof the word "the"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$244,360"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 25, 27, 32, 45, 57, 58, 59, 68, 70, and 72.

JOSEPH C. O'MAHONEY,
JOHN H. OVERTON,
ELMER THOMAS,
PAT MCCARRAN,
GERALD P. NYE,
RUFUS C. HOLMAN,

Managers on the part of the Senate.

GEORGE H. MAHON,
JOHN M. COFFEE,
CLINTON P. ANDERSON,
KARL STEFAN,
BEN F. JENSEN,

Managers on the part of the House.

The report was agreed to.

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 2513, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
UNITED STATES,
June 28, 1943.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 25, 27, 45, 57, 58, 59, 68, and 70 to the bill (H. R. 2513) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1944, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 4 to said bill and concur therein with an amendment as follows:

In the last line of the matter inserted by said Senate engrossed amendment, after "Columbia" insert "": *Provided further*, That the appropriations and authority contained in this act shall be available from and including July 1, 1943, for the purposes respectively provided in such appropriations and authority: *And provided further*, That all obligations incurred during the period between June 30, 1943, and the date of the enactment of this act in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms thereof";

That the House recede from its disagreement to the amendment of the Senate numbered 32 to said bill and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$755,760"; and

That the House recede from its disagreement to the amendment of the Senate numbered 72 to said bill and concur therein with an amendment as follows: In lines 7 and 8 of the matter inserted by said Senate engrossed amendment strike out "to continue available until expended."

Mr. O'MAHONEY. I move that the Senate concur in the House amendments to Senate amendments numbered 4, 32, and 72.

The motion was agreed to.

GEORGE WASHINGTON CARVER NATIONAL MONUMENT

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 647) to provide for the establishment of the George Washington Carver National Monument, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HATCH. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HATCH, Mr. ANDREWS, Mr. WALLGREN, Mr. HOLMAN, and Mr. THOMAS of Idaho conferees on the part of the Senate.

MISSOURI RIVER BRIDGE, GARRISON, N. DAK.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 650) to revive and reenact the act entitled "An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Garrison, N. Dak.," approved February 10, 1932, which were on page 1, line 4, to strike out "an Act" and insert "Acts"; on page 1, line 5, after "1936", to insert "March 24, 1937"; on page 2, line 4, to strike out "one year" and insert "two years"; and on page 2, line 5, to strike out "three" and insert "four."

Mr. NYE. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

THADDEUS C. KNIGHT—VETO MESSAGE
(S. DOC. NO. 86)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 414, a bill for the relief of Thaddeus C. Knight.

It is the purpose of the bill to authorize the President to appoint, by and with the advice and consent of the Senate, the said Thaddeus C. Knight, a captain in the Quartermaster Corps, United States Army, with the same longevity and rank on both the relative and promotion lists as he would have attained had he not been separated from the service.

In view of the approved findings and sentence of a court of competent jurisdiction in the case of this former officer, I do not feel justified in approving, and thereby establishing an undesirable precedent, special legislation the effect of which would be to set aside the judgment of a court of competent jurisdiction by legislative action.

I am, however, directing the Secretary of War to appoint a board of officers to investigate Mr. Knight's entire record and his present qualifications for appointment as an officer and shall take such action with reference to a new appointment as the facts may warrant.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 28, 1943.

AMENDMENT OF FLOOD CONTROL ACT

Mr. OVERTON. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consid-

eration of Senate bill 1134, to amend section 5 of the Flood Control Act, approved August 18, 1941. I have consulted with the majority and minority leaders, and it is satisfactory to them that I make the request.

Mr. LANGER. Mr. President, I am very sorry that I must object to the present consideration of the bill. I wish to investigate it further. I notice that in one place it makes provision for a loan to the railroads of \$100,000,000 without interest. Farmers, as well as merchants, and small businessmen are paying high rates of interest. For that reason I object to the consideration of the bill at this time.

The VICE PRESIDENT. Objection is heard.

INTERSTATE COMPACT TO CONSERVE OIL AND GAS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on Mines and Mining:

To the Congress of the United States:

I transmit herewith a certified copy of an agreement, executed by the Governors of the States of Kansas, Oklahoma, Texas, Colorado, New Mexico, Arkansas, Louisiana, and Kentucky, to extend for 4 years, commencing September 1, 1943, the Interstate Compact to Conserve Oil and Gas.

The original of the Interstate Compact to Conserve Oil and Gas, in accordance with a provision contained therein, has been deposited in the archives of the State Department.

The compact between the States of Oklahoma, Texas, New Mexico, Illinois, Colorado, and Kansas was first executed in February 1935, and received the consent of the Congress in August 1935. Since that time the compact, with the consent of the Congress, three times has been extended and renewed for 2-year periods, the last extension period expiring September 1, 1943.

The compact designed to promote State legislation relating to the conservation of petroleum and gas also has resulted in an effective collaboration of the oil-producing States which are parties thereto upon oil problems of general import. In view of the worthy purposes of the compact, it is particularly heartening to note that the compact, first ratified by 6 States, has been ratified by 12 of the States.

I suggest that the Congress, by appropriate legislation, sanction this extension agreement as required by article I, section 10, of the Constitution of the United States.

FRANKLIN D. ROOSEVELT.

The White House, June 28, 1943.

URGENT DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. McKELLAR. Mr. President, if any other Senator wishes to bring any matter before the Senate at this time I shall yield to him. If not, I now ask for recognition in order to submit a conference report. Half a dozen times this afternoon I asked for recognition, and

each time the Vice President looked at me and recognized some other Senator. Therefore, if no Senator desires to bring up any other matter at this time, and if the Vice President will deign to recognize me, I shall be very glad to have him do so in order that I may lay before the Senate a conference report. Am I recognized, Mr. President?

The VICE PRESIDENT. The Senator is now recognized, and may always be recognized any time he desires recognition.

Mr. McKELLAR. I thank the Vice President. It is a very great condescension on his part.

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 2714) "making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment Numbered 5: That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment numbered 5, and agree to the same with an amendment, as follows: Omit all of the matter proposed to be stricken out by such amendment and omit all of the matter proposed to be inserted in lieu thereof by action of the Senate and House of Representatives; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: Restore the matter stricken out by such amendment, amended to read as follows:

"SEC. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this act, or (2) which is now, or which is hereafter made, available under or pursuant to any other act, to any department, agency, or instrumentality of the United States, shall be used, after November 15, 1943, to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Junior, and Robert Morris Lovett, unless prior to such date such person has been appointed by the President, by and with the advice and consent of the Senate: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to November 15, 1943: *Provided further*, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States nor any benefit, pension, or emolument resulting therefrom"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 61.

KENNETH McKELLAR,
CARL HAYDEN,
RICHARD B. RUSSELL,
GERALD P. NYE,
H. C. LODGE, JR.

Managers on the part of the Senate.

CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JED JOHNSON,

Managers on the part of the House.

Mr. CLARK of Missouri. Mr. President, at the proper time I desire to make a point of order against the conference report. I do not necessarily wish to do so tonight if the Senator from Tennessee does not desire to pursue the matter tonight. I shall be glad to have it go over as the unfinished business, and I will make my point of order against the conference report at the earliest opportunity tomorrow. However, if the Senator from Tennessee wishes to continue tonight, I shall be glad to make the point of order now.

Mr. McKELLAR. Mr. President, it will be recalled that a conference report was made a few days ago and rejected by the Senate. Today it comes in a different form. I believe that every Senator knows what it is. Several hundred thousand employees are without pay, which is being held up by reason of the fact that three employees of the Government are accused of subversive activities.

I believe that every Senator knows something about the subject, and knows how he will vote upon the report. I should like to see the Government employees who are entitled to their salaries receive them. The bill carries an appropriation of approximately \$143,000,000 to pay the salaries of employees of the Government. I should like to see the conference report voted upon this afternoon, because we may have to hold several more conferences with regard to the matter.

Mr. CLARK of Missouri. Mr. President, if the Senator will permit me, I desire to make the point of order and argue it at some length, at least so far as the Chair will indulge me. Failing in that, I shall desire to argue the merits of the conference report.

Mr. McKELLAR. I have no objection to consideration of the report being postponed.

Mr. BARKLEY. It is a privileged matter, and will remain the unfinished business, inasmuch as it is before the Senate, and I think we might therefore suspend at this point.

The VICE PRESIDENT. The conference report will lie on the table.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. Mr. President, there is no Executive Calendar, so it is not necessary to hold an executive session.

I therefore move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 30 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, June 29, 1943, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 28 (legislative day of May 24), 1943:

URGENT DEFICIENCY APPROPRIATION BILL, 1943

JUNE 28, 1943.—Ordered to be printed

MR. CANNON of Missouri, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 2714]

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment numbered 5, and agree to the same with an amendment, as follows:

Omit all of the matter proposed to be stricken out by such amendment and omit all of the matter proposed to be inserted in lieu thereof by action of the Senate and House of Representatives; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

Restore the matter stricken out by such amendment, amended to read as follows:

SEC. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this Act, or (2) which is now, or which is hereafter made, available under or pursuant to any other Act, to any department, agency, or instrumentality of the United States, shall be used, after November 15, 1943, to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Junior, and Robert Morss Lovett, unless

prior to such date such person has been appointed by the President, by and with the advice and consent of the Senate: Provided, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to November 15, 1943: Provided further, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States nor any benefit, pension, or emolument resulting therefrom.

And the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 61.

CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JED JOHNSON,

Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
RICHARD B. RUSSELL,
GERALD P. NYE,
H. C. LODGE, Jr.,

Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on Senate amendments numbered 5, 60, and 61 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

No. 5: The original House bill carries provision extending until June 30, 1944, the unexpended balance in the President's emergency fund on June 30, 1943. To this provision the House added a prohibition on the use of the fund for making allocations to the National Resources Planning Board and the Farm Security Administration. The Senate struck out this provision and inserted language of a general character restricting the use of the fund. The House adopted the Senate proposed language modified so as to make exemptions for the Army, Navy, State Department, and Office of Strategic Services but left the Senate language applicable to all other Federal agencies. The Senate accepted the House modification of the Senate language but added a further exception for the Federal Bureau of Investigation. The conference agreement omits the original House amendment relating to the National Resources Planning Board and the Farm Security Administration, and also omits all other proposed substitute language of the Senate and House and leaves the continuation of the fund in the form originally reported to the House by the Committee on Appropriations. The House provision relating to the Planning Board and Farm Security is covered in other measures. The independent offices appropriation bill, 1944, contains provision prohibiting the funds for that Board in that bill from being supplemented from any other source and similar provision with respect to Farm Security is contemplated in connection with the agricultural appropriation bill, 1944, now pending.

No. 60: The House bill, by section 304, contains a prohibition on the use of any Federal funds, after the date of the enactment of the bill, for continuing in Federal employment Goodwin B. Watson, William E. Dodd, Jr., and Robert Morss Lovett. The Senate struck out this section. The conference agreement restores the section modified so as to prohibit the use of Federal funds for their employment after November 15, 1943, unless such persons, prior to that date, have been appointed by the President by and with the advice and consent of the Senate.

No. 61: Corrects a section number; the amendment is reported in disagreement. The House managers will move to recede and concur in the Senate amendment with an amendment correcting the section number and inserting a paragraph to make appropriations in the bill, or portions of appropriations, available for obligation in the fiscal

year 1944, retroactive to July 1 in the event the bill does not become a law by that date.

CLARENCE CANNON,

LOUIS LUDLOW,

J. BUELL SNYDER,

EMMET O'NEAL,

LOUIS C. RABAUT,

JED JOHNSON,

Managers on the part of the House.

(

when you protected the canners and packers on any commitments which have been made on subsidies. How can you escape the responsibility of protecting every farmer in this Nation on the commitment that was made to them, not 3 weeks ago, but months and months ago?

Mr. TARVER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from South Carolina [Mr. FULMER] to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 92, noes 112.

Mr. TARVER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 197, nays 174, not voting 60, as follows:

[Roll No. 115]

YEAS—197

Abernethy	Gore	Newsome
Allen, La.	Gorski	Norrell
Andersen	Gossett	Norton
H. Carl	Grant, Ala.	O'Brien, Mich.
Anderson,	Green	O'Connor
N. Mex.	Gregory	O'Konski
Barrett	Hagen	Outland
Beckworth	Hare	Pace
Bland	Harless, Ariz.	Patman
Bonner	Harris, Ark.	Patton
Boykin	Harris, Va.	Peterson, Fla.
Bradley, Pa.	Hart	Peterson, Ga.
Brooks	Hays	Pfeifer
Brown, Ga.	Heffernan	Poage
Bryson	Hendricks	Price
Bulwinkle	Hill	Priest
Burch, Va.	Hobbs	Rabaut
Burchill, N. Y.	Hoch	Ramspeck
Burdick	Hoeven	Randolph
Camp	Holmes, Wash.	Rankin
Cannon, Fla.	Hope	Richards
Carlson, Kans.	Hull	Robertson
Case	Jackson	Robinson, Utah
Celler	Jarman	Robison, Ky.
Chapman	Johnson,	Rogers, Calif.
Clark	J. Leroy	Rowan
Coffee	Johnson,	Sabath
Colmer	Lyndon B.	Sadowski
Cooley	Johnson, Okla.	Sasser
Cooper	Kee	Satterfield
Costello	Kefauver	Southoff
Courtney	Kelley	Slkes
Cox	Kennedy	Smith, Va.
Cravens	Keogh	Smith, W. Va.
Creal	Kerr	Snyder
Crosser	Kirwan	Sparkman
Cullen	Klein	Spence
Cunningham	Lane	Starnes, Ala.
Curley	Lanham	Steagall
Curtis	Larcade	Stefan
D'Alessandro	Lea	Stewart
Davis	Lemke	Stockman
Dawson	Lesinski	Sullivan
Delaney	Lynch	Sumner, Ill.
Dickstein	McCord	Sumners, Tex.
Dies	McCormack	Talle
Dilweg	McGehee	Tarver
Dingell	McGranery	Thomas, Tex.
Domengaux	McKenzie	Thomason
Doughton	McMillan	Vincent, Ky.
Drewry	McMurray	Voorhis, Calif.
Eberhart	Ma'iden	Walter
Elliott	Magnuson	Ward
Feighan	Mahon	Weaver
Fernandez	Maloney	Weiss
Fisher	Manasco	Wene
Flannagan	Mansfield,	Whelchel, Ga.
Fogarty	Mont.	White
Forand	Marcantonio	Whitten
Fulbright	Martin, Iowa	Whittington
Fulmer	Miller, Nebr.	Wickersham
Gale	Mills	Winstead
Gathings	Monroney	Woodrum, Va.
Gavagan	Mundt	Worley
Gibson	Murdoch	Wright
Gilchrist	Murphy	Zimmerman
Gillie	Murray, Tenn.	
Gordon	Myers	

NAYS—174

Allen, Ill.	Graham	Mruk
Anderson, Calif.	Grant, Ind.	Murray, Wis.
Andresen,	Griffiths	Norman
August H.	Gross	O'Brien, Ill.
Andrews	Gwynne	O'Brien, N. Y.
Angell	Hale	O'Neal
Arends	Hall	Pittenger
Arnold	Leonard W.	Ploeser
Auchincloss	Halleck	Poulson
Baldwin, Md.	Hancock	Powers
Beall	Harness, Ind.	Pracht
Bell	Heidinger	Ramey
Bender	Herter	Reese, Tenn.
Bennett, Mich.	Hess	Reed, Ill.
Bennett, Mo.	Hinshaw	Reed, N. Y.
Bishop	Hoffman	Rees, Kans.
Blackney	Holmes, Mass.	Rizley
Bolton	Horan	Rockwell
Boren	Howell	Rodgers, Pa.
Brehm	Jeffrey	Rogers, Mass.
Brown, Ohio	Jenkins	Rohrbough
Buffett	Jennings	Rolph
Busbey	Jensen	Rowe
Butler	Johnson,	Schiffner
Canfield	Anton J.	Schuetz
Cannon, Mo.	Johnson,	Schwabe
Carson, Ohio	Calvin D.	Scott
Carter	Johnson, Ind.	Shafer
Chenoweth	Jones	Simpson, Ill.
Chiperfield	Jonkman	Simpson, Pa.
Church	Judd	Slaughter
Clason	Kean	Smith, Maine
Clevenger	Kearney	Smith, Ohio
Cole, N. Y.	Keefe	Smith, Wis.
Compton	Kilday	Springer
Crawford	Kinzer	Stearns, N. H.
Day	Knutson	Stevenson
Dewey	Kunkel	Sundstrom
Dirksen	LaFollette	Taber
Disney	Lambertson	Talbot
Ditter	Landis	Taylor
Donders	LeCompte	Thomas, N. J.
Douglas	LeFevre	Tibbott
Durham	Lewis	Towe
Dworschak	Ludlow	Troutman
Ellis	McCowan	Vursell
Ellison, Md.	McGregor	Wadsworth
Ellsworth	McLean	Wasielewski
Elmer	McWilliams	Welchel, Ohio
Elston, Ohio	Maas	Welch
Engel	Martin, Mass.	West
Fenton	Mason	Wigglesworth
Fish	May	Wiley
Gamble	Marrow	Wilson
Gavin	Michener	Winter
Gearhart	Miller, Conn.	Wolcott
Gerlach	Miller, Mo.	Wolverton, N. J.
Gifford	Miller, Pa.	Woodruff, Mich.
Gillette	Monkiewicz	
Goodwin	Mott	

NOT VOTING—60

Baldwin, N. Y.	Gallagher	O'Leary
Barden	Granger	O'Toole
Barry	Hall	Philbin
Bates, Ky.	Edwin Arthur	Phillips
Bates, Mass.	Hartley	Plumley
Bloom	Hébert	Rivers
Bradley, Mich.	Holifield	Russell
Buckley	Izac	Scanlon
Burgin	Johnson,	Sheppard
Byrne	Luther A.	Sheridan
Capozzoli	Johnson, Ward	Short
Cochran	Kilburn	Somers, N. Y.
Cole, Mo.	King	Stanley
Culkin	Kleberg	Tolan
Eaton	Luce	Treadway
Fay	Mansfield, Tex.	Van Zandt
Fellows	Merritt	Vinson, Ga.
Fitzpatrick	Morrison, La.	Vorys, Ohio
Folger	Morrison, N. C.	Wheat
Ford	Nichols	Wolfenden, Pa.
Furlong	O'Hara	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Morrison of Louisiana for, with Mr. Phillips against.

Mr. Fitzpatrick for, with Mr. Baldwin of New York against.

Mr. Luther A. Johnson for, with Mr. Hartley against.

Mr. Bloom for, with Mr. Eaton against.

Mr. Vinson of Georgia for, with Mr. Treadway against.

Mr. Fay for, with Mr. Edwin Arthur Hall against.

Mr. Ford for, with Mr. Short against.
Mr. Merritt for, with Mr. Kilburn against.
Mr. Scanlon for, with Mr. Cole of Missouri against.

Mr. Buckley for, with Mr. Wolfenden of Pennsylvania against.

Mr. Somers of New York for, with Mr. Stanley against.

Mr. Byrne for, with Mr. Gallagher against.

General pairs:

Mr. Rivers with Mr. Wheat.

Mr. Hebert with Mr. Bates of Massachusetts.

Mr. Holifield with Mr. Ward Johnson.

Mr. Barry with Mr. Vorys of Ohio.

Mr. Cochran with Mrs. Luce.

Mr. King with Mr. Van Zandt.

Mr. Capozzoli with Mr. Culkin.

Mr. Philbin with Mr. Plumley.

Mr. O'Toole with Mr. O'Hara.

Mr. Tolan with Mr. Fellows.

Mr. Mansfield of Texas with Mr. Bradley of Michigan.

Mr. FOLGER. Mr. Speaker, I was in the Hall and listening and heard my name called, but I could not get up here in time to answer. That is the position I am in.

The SPEAKER. Was the gentleman in the Hall, and did he hear his name called?

Mr. FOLGER. I was, yes, sir. I tried to get up here so that the Clerk could hear me, but I could not make it.

The SPEAKER. The gentleman did not answer?

Mr. FOLGER. No, sir.

The SPEAKER. If the gentleman says he was in the Hall and listening and failed to hear his name called, he qualifies.

Mr. FOLGER. I was listening and heard my name called, but I could not answer.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

URGENT DEFICIENCY APPROPRIATION BILL

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 2714, the urgent deficiency appropriation bill, disagree to the Senate amendment to the House amendment to Senate amendment No. 5; insist on further disagreement to Senate amendments Nos. 60 and 61, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MARCANTONIO. Mr. Speaker, reserving the right to object, may we have an explanation of what amendment is being disagreed to?

Mr. CANNON of Missouri. There are two amendments still in disagreement. One amendment relates to restrictions upon expenditures from the President's fund, and the other relates to the denial of salary to three men charged with subversive affiliations.

Mr. MARCANTONIO. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL—CONFERENCE REPORT

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 88: Page 69, line 20, strike out all of lines 24 and 25 and the words "incentive payments" on page 70.

Mr. TARVER. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment numbered 88.

I yield to the gentleman from South Carolina [Mr. FULMER] for the purpose of offering a preferential motion.

Mr. FULMER. Mr. Speaker, I offer a preferential motion, which I send to the desk.

The Clerk read as follows:

Mr. FULMER moves that the House recede and concur in the Senate amendment numbered 88 with an amendment, as follows: "In lieu of the language stricken by the amendment insert 'Provided, That no part of said appropriation or any other appropriation carried in this bill shall be used for incentive payments as defined in House Document 101, Seventy-eighth Congress, first session.'"

Mr. TARVER. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. FULMER] 2 minutes.

Mr. FULMER. Mr. Speaker, I do not care to take very much time on this motion. The language written in by the Senate speaks for itself. I believe it is in line with the wishes of the Members of the House. It is certainly in line with my ideas in connection with the operation of the soil-conservation and domestic-allotment program. The reason I have advocated the retention of the \$400,000,000 was to carry out different contracts with farmers in connection with the soil-conservation and production program, and for the further reason that I do not believe, in the midst of this great emergency, when the farmers are having everything on the face of the earth to contend with, that this is the time to break faith with these farmers.

Mr. CASE. Mr. Speaker, will the gentleman yield?

Mr. FULMER. I yield.

Mr. CASE. What is the definition of "incentive payments" as given in this House document?

Mr. FULMER. The House document refers to various crops other than the major crops that would receive benefits under this appropriation in connection with the Soil Conservation and Domestic Allotment Act. The purpose of this amendment is not to use any of this money for incentive payments, referred to by the Secretary of Agriculture last spring.

The SPEAKER. The time of the gentleman has expired.

Mr. TARVER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, in February the Secretary of Agriculture came before the Subcommittee on Agriculture and asked for \$125,000,000 with which to pay incentive payments. One hundred million dollars of that was to be taken out of the moneys that are provided under the authority carried herein. There was another source for \$25,000,000, making

in all \$125,000,000. The money was to be used for a very specific purpose, namely, for some 16 crops, which included Irish potatoes and sweetpotatoes, carrots and onions, soya beans, and various other types of commodities. House Document 101, to which the gentleman from South Carolina [Mr. FULMER] refers, would provide \$125,000,000 for incentive payments on this particular assortment of commodities. That proposal was rejected by the subcommittee by a vote of 6 to 1. Nothing thereafter happened. However, when this bill came on the floor, we wrote in this proviso, which was subsequently approved by the House:

Provided, That no part of said appropriation or any other appropriation carried in this bill shall be used for incentive payments.

That is reasonably definite language. That means that not a single dollar in the Department of Agriculture appropriation bill for the fiscal year 1944 can be used for the purpose of making incentive payments. The gentleman from South Carolina [Mr. FULMER] proposes an amendment in lieu of the language that was carried in the bill, and in lieu of the language that was stricken by the Senate. He, in substance, provides that no part of any appropriation in this bill shall be used to pay incentive payments as defined in House Document 101. That means that no money in this bill shall be used for the payment of incentive payments on the 16 various crops that were defined to us in that House document. But you see what it will do?

It does, therefore, indirectly place the seal of approval on the payment of incentive payments for others than those agreed to or identified in House Document 101.

I personally cannot go along with that sort of thing because it offers an opportunity for discretionary action, and in fact it would permit the use of money for incentive payments for other than those crops; it would leave within administrative discretion of the Secretary, as advised by the solicitor of the Department, on which of the crops incentive payments might be paid, and that places the seal of approval on the limitation that has been rejected time and time again by the House, and so I hope that the motion will be defeated.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Georgia.

Mr. PACE. In view of the vote the House has just taken with reference to the payments that were promised, and in view of the fact that in the eyes of some there is a question of what an incentive payment is, does not the gentleman think that this language would permit, perhaps, the same treatment, at least, avoid conflicts. I think that is the real purpose of the amendment offered by the gentleman from South Carolina, to avoid complications because of this other prohibition, and then authorized the payments that we have voted should be made.

Mr. DIRKSEN. The gentleman from Georgia, I am sure, agrees with me, that we are validating and approving a prin-

ciple of incentive payments with respect to anything within the discretion of the Secretary, except the sixteen-odd commodities mentioned in House Document 101.

Mr. PACE. If it is left to the Solicitor of the Department, that may be correct.

Mr. DIRKSEN. It is left to administrative discretion.

Mr. CASE. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from South Dakota.

Mr. CASE. I think the question arises as to what is an incentive payment.

Now, in the light of the whole legislative history, in the light of the fact that the action of the subcommittee served notice in February that no appropriations for the payment of incentive payments would be made, and as a matter of fact, with the legislative history of the bill, does the gentleman think he can give us a proper interpretation of incentive payments?

Mr. DIRKSEN. My definition is this: That any payment which inures to the enrichment of the soil or for water conservation practices must necessarily be considered as an incentive payment.

Let me, therefore, summarize the situation. Time and time again we have rejected the principle of incentive payments on the ground that they are but a palliative for adequate prices for farm products. We restated that position in this bill. The Fulmer motion now proposes to approve incentive payments provided they are not paid on the various crops outlined in Document No. 101. This motion should therefore be defeated.

Mr. TARVER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the last remark made by the gentleman from Illinois was very significant and I hope that it did not escape your attention. He said that his contention is that any payment not made for the purpose of encouraging the improvement or conservation of the soil is an incentive payment. I cannot agree with that contention. In view of statements made in the House when the language stricken by Senate amendment No. 88 was adopted, I think "incentive payment" may be construed to be more restrictive in meaning.

The House has just voted to permit types of payment which are not payments for the improvement of the soil or for the conservation of the soil. It has just voted to permit production adjustment payments. Last week we voted to appropriate \$400,000,000, as proposed by the Senate, instead of \$300,000,000 as proposed by the House, in order to make that particular type of payment as well as soil conservation and water conservation payments. Now the question is: Do you want to vote for a continuance of the inhibition against incentive payments in the language in the same section of the bill or do you want to permit the making of the type of payments for which the House and Senate have just appropriated the money and of which you have by two roll-call votes indicated your approval?

floods in 1943; to the Committee on Commerce.

(Mr. LANGER introduced Senate bill 1287, which was referred to the Committee on Appropriations, and appears under a separate heading.)

By Mr. REYNOLDS:

S. 1288. A bill for the relief of Luther Thomas Edens; to the Committee on Claims.

By Mr. EASTLAND:

S. 1289. A bill to provide for improved agricultural land utilization by assisting in the rehabilitation and construction of drainage works in the humid areas of the United States; to the Committee on Agriculture and Forestry.

SPECIAL METHOD OF VOTING IN TIME OF WAR

Mr. GREEN. Mr. President, the Senator from Illinois [Mr. Lucas] and I have joined in introducing a bill providing a special method of voting in time of war. It will be remembered that last September a bill which I had introduced to provide a method of voting in time of war by members of the land and naval forces absent from their places of residence was enacted into law. The time was short before the election, the provisions of the law were not generally known, and its provisions were carried out only in part.

Our experience with that law in the last election made evident the fact that it could be greatly improved, and the bill now introduced by the Senator from Illinois and myself is intended to accomplish that end. The Senator from Illinois, by reason of his familiarity with the laws of his State of Illinois, and study of the election returns from the land and naval forces in the last November election, has formulated ideas which are of great service in improving the existing law. He has laid emphasis on the fact that it is important not only to legislate to give the men and women in the armed service the vote, but to make sure that such legislation is enforced, regardless of where they are.

It is most desirable that no man or woman eligible to vote should be deprived of what is the greatest privilege of the American citizen, that is, having a share in determining through his elected representatives the future policies of his Government. At this period of the world's history, that is the most notable difference between this land of freedom and the totalitarian countries which are attempting to destroy us.

Therefore, on behalf of the Senator from Illinois [Mr. Lucas] and myself, I ask unanimous consent to introduce a bill to accomplish the purpose indicated and request that it be referred to the Committee on Privileges and Elections.

There being no objection, the bill (S. 1285) to amend the act of September 1, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes, was received, read twice by its title, and referred to the Committee on Privileges and Elections.

INCREASES IN SALARIES, COMPENSATION, PENSIONS, ETC., TO MEET INCREASED LIVING COSTS

Mr. LANGER. Mr. President, I send to the clerk's desk a bill to provide for in-

creases in the rates of payments of salaries, compensation, pension, retirement benefits, social-security benefits, and other monetary benefits not based on specific contracts by 10 percent of the basic amounts thereof for each 10-percent increase in the cost of living, as compared with the index figure of the cost of living during the first half of 1940, to be computed for each 6-month period following enactment, to be put into effect, prospectively, as of the first of the fourth month after each such 6-month period, and for other purposes.

The enactment of such legislation at this time would, in my opinion, settle once and for all the various proposals for increases for this or that group of governmental employees or Federal beneficiaries.

It will be noted that the proposed 10-percent increase in all payments of Federal salaries, compensation, pension, retirement benefits, and social-security benefits, would apply equally as to all groups of Federal employees and Federal beneficiaries at the same time. This proposed legislation would provide for a 10-percent increase in all such monthly payments for each 10-percent increase in the cost of living over the basic cost during the first half of 1940, to be computed each 6 months, and then to be put into effect as of the first of the fourth month thereafter, so that it would be administratively feasible with very little auditing or clerical difficulty.

This proposed legislation would be fair both to governmental employees and beneficiaries on the one hand, and to the Government on the other hand, in that if the cost of living should undergo a decrease, to such extent as not to support a previous 10-percent increase in such payments, the same would be decreased by 10 percent, provided, however, that there should be no decrease under the basic amounts provided for by law.

The enactment of this proposed legislation would almost automatically do away with the necessity for any proposals for basic increases for any other special groups, except to correct gross inequalities, as to the basic amounts provided for.

If such legislation were enacted as to governmental employees and beneficiaries, then it is quite likely that labor unions would request addendums to their present wage contracts to provide for a similar formula as to future wage increases. Once such a formula were in effect as to governmental salaries and benefit payments, and then as to labor union contracts, every segment of society would realize the futility of attempting to secure a temporary advance by any increase in prices for any special commodities, for such temporary advance would probably shortly be canceled by reason of the operation of such 10-percent increase or decrease formula for adjusting salaries and benefit payments. I believe that the adoption of this formula would be eminently fair for all groups of governmental employees and beneficiaries and would in the final analysis prove to be a greater stabilizer as to the purchasing power of wages, salaries, compensation, pension, retirement benefits,

and social-security benefits than any other formula which could be realized.

I sincerely hope that early and serious consideration will be given by the committee to which this bill may be referred, to the end that the bill may speedily be reported back to the Senate floor for the consideration of the Senate.

I ask unanimous consent to introduce the bill at this time for appropriate reference.

There being no objection, the bill (S. 1287) to provide for increases in the rates of payments of salaries, compensation, pension, retirement benefits, social security benefits, and other monetary benefits not based on specific contracts by 10 percent of the basic amounts thereof for each 10-percent increase in the cost of living, as compared with the index figure of the cost of living during the first half of 1940, to be computed for each 6-month period following enactment, to be put into effect, prospectively, as of the 1st of the fourth month after each such 6-month period, and for other purposes, was received, read twice by its title, and referred to the Committee on Appropriations.

NOTICE OF MOTION TO SUSPEND THE RULE—APPROPRIATIONS FOR WAR AGENCIES IN EXECUTIVE OFFICE OF THE PRESIDENT—AMENDMENTS

Mr. LODGE submitted to following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 2968) making appropriations for war agencies in the Executive Office of the President for the fiscal year ending June 30, 1944, and for other purposes, the following amendments, namely:

On page 8, line 8, strike out "\$5,473,000" and insert in lieu thereof "\$31,032,970, of which \$25,559,970 shall be available to the Administrator for carrying out any governmental program heretofore or hereinafter initiated with respect to the rationing of petroleum and petroleum products; and all authority heretofore conferred upon the Office of Price Administration and the Price Administrator with respect to such rationing is hereby transferred to the Petroleum Administration for War and the Petroleum Administrator for War, respectively."

On page 10, line 6, strike out "\$177,335,000" and insert in lieu thereof "\$151,775,030."

Mr. LODGE also submitted amendments intended to be proposed by him to the bill (H. R. 2968) making appropriations for war agencies in the Executive Office of the President for the fiscal year ending June 30, 1944, and for other purposes, which were ordered to lie on the table and to be printed.

(For text of amendments referred to, see the foregoing notice.)

CONTINUATION OF COMMODITY CREDIT CORPORATION — RESIGNATION AND APPOINTMENT OF CONFEREES

Mr. WAGNER. Mr. President, the Chair was kind enough to appoint me one of the conferees on the part of the Senate to participate in the conference on the items in difference between the House and the Senate on the Commodity Credit Corporation bill (H. R. 2869) to continue Commodity Credit Corporation as an agency of the United States, in-

crease its borrowing power, revise the basis of the annual appraisal of its assets, and for other purposes. I am at such variance with the action the Senate took with reference to the bill that I desire to be relieved from service as a member of the conference; and I ask the Chair to appoint some other Member of the Senate in my place.

The VICE PRESIDENT. The Chair accepts the resignation of the Senator from New York [Mr. WAGNER], and appoints in his stead the Senator from Maryland [Mr. RADCLIFFE].

RECOMMITTAL OF NOMINATION OF POSTMASTER AT MARLETTE, MICH.

Mr. VANDENBERG. I wish to make a request of the Senator from Tennessee in his capacity as chairman of the Committee on Post Offices and Post Roads. Yesterday, inadvertently, I informally passed over the nomination of John S. Dunsford to be postmaster at Marlette, Mich., among many others. Normally, I have not interfered with the Democratic Party machinery in connection with postmasters under the existing political regime. But this happens to be a case in which I have filed a protest with the committee, and I now renew it. It is a case in which a veteran of World War No. 1 has a prior standing in the postal civil-service examination, and members of the American Legion feel that their highly eligible comrade has been prejudicially kept from this appointment solely for political reasons, solely because he does not belong to the prevailing political party.

Mr. McKELLAR. Is the nomination on the Executive Calendar?

Mr. VANDENBERG. It is. What I am asking the Senator is if he will allow me to ask, as in executive session, that the nomination be recommitted to the committee in order to investigate whether Mr. Harold Doyle, a veteran of World War No. 1, has been prejudicially dealt with in this case, on the basis of sheer partisan patronage.

Mr. McKELLAR. Certainly.

Mr. VANDENBERG. As in executive session I make that request.

The VICE PRESIDENT. Is there objection? The Chair hears none, and, without objection, it is so ordered.

CORRECTION OF STATEMENT IN PRESS

Mr. LANGER. Mr. President, in New York on Sunday last, I spoke at the national meeting of the Eastern Seaboard Substitutes Conference sponsored by the Affiliated Postal Employees.

Unfortunately, it was the hottest day of the year, with the result that a statement that I made was either made inadvertently by me, or the press, which was unusually friendly, got one too many zeros to some figures I quoted.

I stated in the course of my patriotic speech that—

Great as this country is, magnificent as its record has been, proud as we are of the accomplishments of its people, there is still much to be done. The Federal statistics show 3,200,000 suffering from venereal diseases, 1,200,000 war workers who are being treated for syphilis and gonorrhea, and 695,000 young men who were physically fit but were unable to get into the United States forces because of lack of education. Seventy-five thousand young men of draft age are holding down

swivel-chair jobs instead of being in the armed forces where they belong, and there are of course the usual rumors that some are of rather wealthy parentage or from families of influence. This is the situation the common people who love their country are called upon in my opinion to remedy, and as I proceed we will discuss what the common people should do politically.

Mr. President, in reporting my remarks, inadvertently the figure was given in the press as 750,000. The figure should have been 75,000. I wish to make that correction.

PREVENTION OF STRIKES IN DEFENSE INDUSTRIES—EDITORIAL FROM THE INDEPENDENCE (KANS.) DAILY REPORTER

[Mr. CAPPER asked and obtained leave to have printed in the Record an editorial entitled "A Salute to Congress," published in the Independence (Kans.) Daily Reporter, which appears in the Appendix.]

PRE-WAR AND POST-WAR POSITIONS OF SENATOR REYNOLDS

[Mr. REYNOLDS asked and obtained leave to have printed in the Record an article from the Rutherfordton (N. C.) News, of June 24, 1943, containing a reply by him to an editorial in the June 3 issue of the News, with regard to his pre-war and post-war positions, which appears in the Appendix.]

MR. WOLL STATES HIS POSITION—LETTER IN THE NEW YORK TIMES

[Mr. REYNOLDS asked and obtained leave to have printed in the Record a letter written by Matthew Woll, vice president of the American Federation of Labor, to the editor of the New York Times, published in the New York Times for June 25, 1943, which appears in the Appendix.]

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

URGENT DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. McKELLAR. Mr. President, I now move that the Senate adopt the conference report on House bill 2714.

The VICE PRESIDENT. Has the conference report on House bill 2714 been placed before the Senate?

Mr. McKELLAR. It has been placed before the Senate, but it seems that no motion has been made formally to adopt the report, and I now make that motion.

Mr. CLARK of Missouri. Is that the conference report on the urgent deficiency bill?

Mr. McKELLAR. It is.

The VICE PRESIDENT. The Chair will say that the Record indicates that the report has not been formally taken up for consideration.

Mr. McKELLAR. Mr. President, I ask that the report be considered.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 2714) "making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending

June 30, 1943, and for prior fiscal years, and for other purposes."

(For conference report, see page 6770, Record of June 28, 1943.)

The VICE PRESIDENT. The question is on agreeing to the report.

Mr. CLARK of Missouri. Mr. President, I desire to make a point of order against the conference report on the ground that the conferees exceeded their authority in that the amendment in its present form is plainly legislation. The provision as it passed the House, while it had a legislative intent, unquestionably was in form a limitation, but the conferees have gone clear beyond the differences between the two Houses submitted to them, and have written into the conference report affirmative legislation requiring officers to be confirmed by the Senate for whom confirmation is not now required. I therefore suggest, Mr. President, inasmuch as the conferees have gone completely beyond the differences committed to them, that they have exceeded their authority, and that the conference report is subject to a point of order.

Mr. McNARY. Mr. President, I have only academic interest in this question, but I think as a parliamentary situation the able Senator from Missouri is in error. Therefore I rise without having any interest in the subject matter whatsoever, to discuss it from the standpoint of the rules of the Senate. As I recall, the House conferees inserted legislative language in the bill. That language came to the Senate. There was no modification of that language, or at least no part of it modified. Therefore it gave the conferees a wide range of operation. For that reason I think the conferees could make in the language which was written into the bill by the House any modification they saw fit to make.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. McNARY. Yes.

Mr. McKELLAR. The language on page 48, line 19, reads as follows:

No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this Act, or (2) which is now, or which is hereafter made.

If the Senator will look at that language he will find that clearly it is legislation, and therefore, the House having entered the field of legislation, in my judgment the action of the conferees is perfectly proper and legitimate.

Mr. McNARY. Mr. President, I recall as though it were yesterday, when the Vice President's seat was occupied by Vice President Garner, and the question arose how far the Senate conferees might properly go when legislative language was inserted in a House appropriation bill. The Vice President held they could go the full length; that they could explore the whole field, and write entirely new language. I understand from this report—and I must confess that I am somewhat lame in my knowledge of the language—that the proposal is to require confirmation of three persons.

Mr. McKELLAR. That is correct.

Mr. McNARY. The able Senator from Missouri is striking at it because he be-

lieves the conferees have exceeded their authority. I think confirmation by the Senate is quite within the language that is contained in the House bill, and certainly it came within the jurisdiction of the Senate conferees to enter that field and write into the bill such language as conformed to the general purposes which were recited in the House language.

That is a very brief statement, and I say to the Vice President and Members of the Senate, that the matter came up unexpectedly, but a parliamentary question is always an interesting one. For that reason, for what it is worth, I am giving the Chair my views.

The VICE PRESIDENT. The Senator from Missouri [Mr. CLARK] yesterday informed the Chair that he would make this point of order. The Chair has had the matter looked into, and makes the following statement with regard to it.

The bill, as passed by the House, prohibiting the use of funds for the payment of salaries of the individuals named, contains this provision:

No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this act, or (2) which is now, or which is hereafter made available under or pursuant to any other act, to any department, agency, or instrumentality of the United States, shall be used to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Jr., and Robert Morss Lovett.

The insertion of the language "which is now, or which is hereafter made available under or pursuant to any other act," under the precedents both of the Senate and the House, removes the provision from the category of a limitation and invests it with a legislative character.

The precedents of both bodies are practically unanimous that conferees, in adjusting differences existing between the two Houses on legislation, may make germane modifications of the matters in disagreement. In the present case the Senate struck out the section of the bill without inserting any provision in lieu thereof; therefore, the conferees, not being bound by any restrictive language on the part of the Senate, have wider power to deal with the provision and may make any germane modification of the House language. The Chair thinks that the language adopted by the conferees certainly is germane and relates directly to the matter in dispute, and is clearly within the limits of power granted to conferees in such cases. The Chair therefore overrules the point of order, and cites in connection therewith section 3288 on pages 774 and 775 of Cannon's Precedents of the House of Representatives.

Mr. McKELLAR. Mr. President, I shall not argue the case, because I think every Member of the Senate knows exactly what he wants to do about the conference report. I merely wish to say that we have had a very difficult time with it. The last report was overruled by quite a large vote. A further conference was requested, and held, and the present report is the result of that conference. Under it, until November 15, the men will remain in office, and if the President should then reappoint them

and the Senate confirm them, they would continue to hold their places. Otherwise they would lose their places on the 15th of November. I think such a solution is very satisfactory. It seems to me that if the 3 men have no such subversive views as have been alleged, this body will give them a fair deal. Furthermore, 5,500 employees in the District of Columbia, and others elsewhere throughout the country, perhaps scores of thousands of them all over the country are now awaiting their salaries or increases of salaries, and unless they receive them through this bill they will not get them. In other words, the bill is being held up for the benefit of 3 men.

Mr. CLARK of Missouri. Mr. President, I do not think any public purpose is to be served by any undue delay and a restatement of the arguments which heretofore have been made in this body. This matter has been before the Senate on two previous occasions, and the Senate by overwhelmingly decisive votes has decided against any such blackjack procedure as that proposed by the House provision. The first time the Senate voted on the matter it voted 69 to 0 to strike out the House provision. The second time the Senate took the very unusual course of defeating a conference report by a vote of 52 to 17. It seems to me the Senate could not possibly have expressed itself in any more vigorous fashion than was done on those two occasions.

Mr. President, the present conference report contains every objectionable feature, except in matter of degree, which was contained in the original procedure provided by the House bill. The procedure of separating these men from the Federal service on November 15, unless they shall previously have been nominated and confirmed by the Senate, always subject to delay, of course, on a star chamber proceeding before the subcommittee in the House, is only one step in degree less offensive than the original House provision, and it is fully as objectionable on every question of principle. It seems to me that the Senate, as a matter of self-respect, as a matter of devotion to our constitutional form of government, should reject the conference report and send it back to conference.

No one likes to be responsible for delay in enacting an important appropriation bill, particularly one providing for paying the salaries to which certain persons are entitled; but I submit that if the House of Representatives adheres to the course it has been pursuing, it will be its responsibility, and it will have to face the country and take the responsibility, and it will have to face the country and take the responsibility for that course.

Mr. REVERCOMB. Mr. President, I desire to call the attention of the Senate to the fact that on last Thursday a conference report on this same bill was submitted to the Senate, and was rejected by a vote of 52 to 17. The report was rejected and sent back to conference upon two grounds: First, there would be unfair treatment of three employees of the Government under the bill as then reported; second—and a much more im-

portant reason, in my opinion—there had been defeated in conference a provision restricting the use of an emergency fund given into the hands of the President. The bill extended the former appropriations, and increased them by \$25,000,000, giving the President a total fund of \$94,000,000. The Senate wrote into the bill, with respect to the use of that fund, a provision that no part of the fund should be used by the Chief Executive for any agency or for any purpose for which the Congress had refused to make an appropriation.

That provision has been deleted in conference. We have now twice discussed this action of the conference and we have already repudiated the action taken in conference. The Senate now is again asked to surrender its position on this question. We now are asked to abandon the position we took on the first consideration of this bill, and which we took again last Thursday. We are asked to say that the money we have appropriated may be used by the Chief Executive, in effect, to finance some project or some agency for which an appropriation has been refused by the Congress.

To me, that subject is much more serious than a delay in the payment of some salaries; it is more serious in its effect on the country than any rights of any three employees of the Government. Unless we reject this conference report again and write this restrictive provision back into the bill, the President may, if he desires, defeat the intent and purposes of Congress by financing some project from this fund in instances where Congress has refused to appropriate money for such a project.

For that reason, I urge upon this body that the report be rejected, and that we adhere to our position that the limitation be placed upon the funds, as we previously decided should be done, and as we so decided a second time last Thursday. I hope the conference report will be rejected.

Mr. LA FOLLETTE. Mr. President, I realize nothing is to be gained by further debate, but I desire the Record to show that I am as much opposed to the conference report in its present form as I was when it was previously submitted, and I think the Senate should reject it.

Mr. BARKLEY. Mr. President, my justification for taking any time at all now is that I was not present when the bill was passed originally, at which time the Senate unanimously eliminated the offensive House provision with regard to the three men involved, and I was not present when the conference report was rejected a few days ago. If I had been present on both those occasions I would have voted to eliminate that offensive provision of the House bill, and I would have voted to reject the conference report.

It seems almost incredible, Mr. President, that any legislative body would resort to the tyrannical method which is involved in this provision. I do not know these men. So far as I know, I have never met any of them. If their names were sent to the Senate for confirmation, I do not know that I would vote to confirm the nomination of any one of

them. However, I do not foreclose myself in regard to that question, if their names should ever be sent to the Senate. But among all the 2,000,000 employees of the United States—if there are that many, and I presume there are approximately that many, in view of the war situation—

Mr. VANDENBERG. There are 3,000,000.

Mr. BARKLEY. I understood the figure was 2,000,000. If it is 3,000,000, it further emphasizes my point.

Mr. VANDENBERG. It will be 4,000,000 next week. [Laughter.]

Mr. BARKLEY. Among the 3,000,000 employees of the United States, the Congress of the United States is so afraid of three men because of what they may think or what they may have said, or what they may have quoted somebody else as saying, that it is apprehensive the Government of the United States will collapse unless those men are separated from the pay roll.

I made a brief argument on this question at the last session, when the House had done the same thing in regard to two of these men. I feel that such action by any legislative body outrages all the principles of fair play and democracy, as we think we are now fighting to preserve it in the world.

These men were not given an opportunity to be heard by the House committee. I do not know that they wanted to be heard before the Senate committee, because the Senate committee promptly struck out the language, and it probably was not necessary to hear them. But, regardless of that, I think it would have been an act of fair play to the men to have heard them before some committee. Even the hearings which were had in the other body were not permitted to be made public. The men involved were not even permitted to see them. They do not know yet what anybody said about them that resulted in this legislative assassination.

The so-called compromise simply provides that instead of cutting their heads off day after tomorrow, we are to cut them off on the 15th of November and bring them in on a platter as a Christmas gift to Herod. We are going to give them a slow death instead of decapitating them at once.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BARKLEY. I am glad to yield.

Mr. McKELLAR. If these men are the kind of men the Senator says they are, good American citizens—and I am not challenging them at all—

Mr. BARKLEY. I have not said anything about the men. I have not said that they are good American citizens. I do not know. I assume, in the absence of any proof to the contrary, that they would be regarded as good American citizens.

Mr. McKELLAR. There is a great deal of proof to the contrary, let me say to the Senator. Such proof was offered before our committee, and also before the House committee.

Mr. BARKLEY. It ought to be made public.

Mr. McKELLAR. It is available to the Senator. He can send for it any time he wishes to see it.

That is not the question. The question now is, Are we to hold up the salaries of hundreds of thousands of other Government employees against whom there is no charge of any kind, merely to oppose a procedure which we think is incorrect? I agree that this is not the proper way to discharge men in the public service. I have said so time and again. The fact is that there is a precedent for it, because last year or the year before we did the same thing in the case of a man by the name of Lassar, and the Senate agreed to it. I remember the name and the case, but I do not remember what the charges were.

The House has voted 5 to 1. It was on my motion that the Senate refused previously to agree to the House provision; but we face a very peculiar situation. We passed a measure increasing the salaries of hundreds of thousands of Government employees, 5,500 of whom are in the District of Columbia. We cannot pay the increased amounts to employees against whom nothing has been said. We cannot pay them, forsooth, because the House takes the unalterable position that these three men ought to be fairly dealt with in some way. A fair way of dealing with them has been provided. I would not say that the Senate would not treat them fairly. I would not say that if the cases of these three men were submitted to the Senate, it would be equivalent to throwing their heads to Herod. I do not think that is a fair statement of the case.

If we want to pass this bill so that hundreds of thousands of honest, honorable, hard-working employees may receive the increases in salary which have been awarded to them by the Congress, we will vote for the conference report. If the Senate wishes to vote the other way, that is a matter for the Senate. I am not asking any Senator how he will vote. So far as I am concerned, he may vote exactly as he pleases. I think that is what Senators will do anyway. It seems to me that we had better have a vote and get through with it.

Mr. BARKLEY. Mr. President, I appreciate the desire for haste in voting, but I did not have an opportunity to express my views on this type of legislation when the bill was previously before the Senate. I rise at this time to express my views, and I shall continue until I conclude.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATCH. I have not discussed this matter at any time it has been before the Senate. I have always voted against this type of procedure. Does not the argument made by the Senator from Tennessee prove how vicious it is to attach legislative provisions to an appropriation bill? If the Senate concurs in this report today, it will do so simply because it is forced to take such action in order to pay other employees.

Mr. BARKLEY. That is undoubtedly true. The truth of the matter is that under the rules of the House if any Member of the House had risen in his place and made the point of order against this provision because it was legislation on an appropriation bill, it would have been eliminated. No Member of the House made the point of order, and the provision remained in the bill.

I am not urging any Senator to vote against the conference report. The Senate may do as it pleases with it. I realize the difficulty with which the Senator from Tennessee has been confronted. It is unfortunate that we must vote with a pistol held at our heads, because tomorrow at midnight the fiscal year ends and a new one begins. I certainly would regret to see any worthy employee of the Government denied pay for one day because we are forced into a situation in which we must stand by our deep convictions as to the viciousness of the proposed legislation or surrender our convictions in order that Government employees may not go without their pay. I am satisfied that they would not go without their pay anyway, because they would not be paid until the 15th of July and I am satisfied that before that time the matter could be adjusted.

I wish to express my profound disagreement with this character of legislation. If we can do such a thing with regard to these three men, we can do it with regard to any other employee of the United States. We could deny an appropriation to pay the salary of the Chief Justice of the United States if we did not like some decision which he rendered, in order to get rid of him. That certainly is a vicious way to legislate. In my judgment the provision is just as unconstitutional in the form in which it is now offered as it was in its original form.

Two months ago we dedicated to Thomas Jefferson a very beautiful monument in the District of Columbia. If Senators will go there they will see the circular frieze above his statue the most sublime sentence that ever fell from the lips or pen of a mortal man. We might do well to keep that sentence in mind dealing with this subject. This is it:

I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man.

What is sought to be imposed upon the minds of these three men is a form of tyranny. I regret the necessity of expressing my dissent from the principle involved in this proposal. I regret what seems to me to have been the impetuosity of the other branch of the legislature in passing this bill of attainder. I so thoroughly disagree with the principle that I cannot refrain from expressing my views in regard to it. In spite of the action which has been taken on this matter, if the Senate feels, under the circumstances, that it should adopt the conference report, I shall not say anything about it. It is up to the Senate. I desired to place my views before the Senate, and in the Record, because they have been my views all along, and they are no less my views now because the execution has been post-

poned until the 15th of November. Of course, it is true that if the President should send the nominations of these three men to the Senate for confirmation and they should be confirmed, the men would continue to be employees of the United States. I do not think that would change the principle upon which we are now being called upon to pass. Regardless of how the Senate may vote on the conference report, my views as to the viciousness of the principle involved in the proposed legislation will not be altered.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. LANGER, and Mr. CLARK of Missouri asked for the yeas and nays.

The yeas and nays were ordered.

Mr. MEAD. Mr. President, as one deeply interested in Federal employees, having manifested my interest on many occasions, I regret the delay in the vote on the conference report. However, on this particular issue the Senate has spoken emphatically and decisively. When the Senate spoke it had in mind that the principle underlying this issue was deeper than the question of the removal of three men.

Mr. President, as a member of the subcommittee and of the full committee of the Senate which had the opportunity to consider this question, I wish to say that I could never subscribe to the procedure which has been adopted. I am being called upon to pass judgment—execution, if you will—upon three men who never had an opportunity to come before our subcommittee, who never had an opportunity to plead their case before our full committee, and who have never had an opportunity to appear before the subcommittee or the full committee of the other House. I have heard a great deal about military secrets, and about the necessity of keeping them in order that we might take advantage of the enemy, or, rather, in order that the enemy might not take advantage of us. At why, in the name of God, must we adopt a legislative secret in order to separate three men from the Government pay roll? Why not bring the issue out in the open?

Mr. President, this is a democracy, and free speech is one of the underlying principles of democracy. Free speech is not yet dead, and in my judgment we are about to determine in the Senate that it is very much alive.

Mr. President, this question can be settled today. We can send the bill back to conference, and the conferees can submit another report before the day is over. If that procedure cannot be followed, another deficiency bill is en route, and we can put in that deficiency bill a pay item pertaining to Federal employees. We are not called upon to pass judgment upon these three men at this time; and we should not do so until we hear the testimony and proceed in the American way.

Mr. McKELLAR. Mr. President, may I say that it is true, as the Senator from New York has suggested, that a pay provision could be put in the forthcoming deficiency bill, regardless of the three

men. However, the House conferees stated that a similar provision with respect to the three men would be attached to that bill. That would result not only in a failure to enact the provisions of this bill, but also a failure to enact the other deficiency bill. In other words, the House conferees stated that they would stand right where they were. It is merely a question of whether we want to stand where we are and not have any bill.

Mr. MEAD. Mr. President, we are not responsible for the unreasonableness of anyone but ourselves.

The VICE PRESIDENT. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. REVERCOMB. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REVERCOMB. To vote "yea" is to vote to agree to the report, is it not?

The VICE PRESIDENT. The Senator is correct.

The Chief Clerk resumed and concluded the call of the roll.

Mr. BRIDGES (after having voted in the negative). I have a general pair with the Senator from Utah [Mr. THOMAS]. Not knowing how he would vote on this question I transfer that pair to the Senator from New Jersey [Mr. BARBOUR] and let my vote stand.

Mr. McNARY. The Senator from Vermont [Mr. AUSTIN] and the Senator from Ohio [Mr. BURTON] are absent as members of the special committee of the Senate attending a meeting of the Canada branch of the Empire Parliamentary Association at Ottawa, Canada.

The Senator from New Jersey [Mr. BARBOUR], the Senator from Maine [Mr. BREWSTER] and the Senator from Idaho [Mr. THOMAS] are necessarily absent.

The Senator from South Dakota [Mr. BUSHFIELD] is absent on official business as a member of the Indian Affairs Committee.

The Senator from New Hampshire [Mr. TOBEY] and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from California [Mr. JOHNSON] is absent because of illness.

The Senator from Vermont [Mr. AUSTIN] has a general pair with the Senator from Texas [Mr. CONNALLY].

Mr. HILL. I announce that the Senator from Louisiana [Mr. ELLENDER] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Massachusetts [Mr. WALSH] is absent attending the funeral of his brother.

The Senator from Texas [Mr. CONNALLY] is a member of the special committee of the Senate attending a meeting of the Empire Parliamentary Association at Ottawa, Canada, and is therefore necessarily absent.

The Senator from Washington [Mr. BONE], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are detained in Government

departments on matters pertaining to their respective States. I am advised that if present and voting, the Senator from Washington [Mr. BONE] and the Senator from Florida [Mr. PEPPER] would vote "nay."

The Senator from Tennessee [Mr. STEWART] is detained in a meeting of the Special Committee to Study and Survey Problems of Small Business Enterprises. I am advised that if present, he would vote "yea."

The Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. CLARK] are detained on important public business.

The Senator from Iowa [Mr. GILLETTE] is necessarily absent.

The result was announced—yeas 31, nays 43, as follows:

YEAS—31

Andrews	Holman	Reed
Bankhead	Johnson, Colo.	Reynolds
Bilbo	Lodge	Russell
Byrd	McCarran	Scruggam
Capper	McClellan	Smith
Caraway	McFarland	Thomas, Okla.
Chavez	McKellar	Tydings
Eastland	McNary	Vandenberg
George	Maybank	White
Gurney	Nye	
Hayden	O'Daniel	

NAYS—43

Alken	Hatch	Revercomb
Ball	Hawkes	Robertson
Barkley	Hill	Shipstead
Bridges	Kilgore	Taft
Brooks	La Follette	Truman
Butler	Langer	Tunnell
Chandler	Lucas	Van Nuys
Clark, Mo.	Maloney	Wagner
Danaher	Mead	Wallgren
Davis	Millikin	Wheeler
Downey	Murdoch	Wherry
Ferguson	Murray	Willis
Gerry	O'Mahoney	Wilson
Green	Overton	
Guffey	Radcliffe	

NOT VOTING—22

Austin	Clark, Idaho	Stewart
Bailey	Connally	Thomas, Idaho
Barbour	Ellender	Thomas, Utah
Bone	Gillette	Tobey
Brewster	Glass	Walsh
Buck	Johnson, Calif.	Wiley
Burton	Moore	
Bushfield	Pepper	

So the report was rejected.

Mr. McKELLAR. I move that the Senate insist on its amendments still in disagreement, request a further conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate at the further conference.

The motion was agreed to; and the Vice President appointed Mr. McKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. NYE, and Mr. LODGE conferees on the part of the Senate at the further conference.

Mr. PEPPER subsequently said: Mr. President, I should like to state for the RECORD that when the vote was had a little while ago on agreeing to the conference report on House bill 2714, I was in consultation with certain governmental officials relative to some matters of importance pertaining to my State, and I was unable to be in the Chamber. Had I been present, I would have voted not to agree to the recommendation of the conferees relative to certain Federal employees, namely, Goodwin B. Watson, William E. Dodd, Jr., and Robert Morris Lovett. I do not think the manner in

which this question has been approached is a fair protection of the civil rights of these men, or wholesome legislation.

REPAIR OF DAMAGE CAUSED BY FLOODS

Mr. OVERTON. Mr. President, we are all familiar with the devastation caused by the recent floods in the upper Mississippi, the Illinois, the Wabash, the Missouri, the Arkansas, and the White Rivers. It is necessary that the work of repairing the damage should be done at once.

Mr. LUCAS. Mr. President, may we have a little order in the Senate?

The VICE PRESIDENT. The Chair asks the Senate to be in order. It is not in order.

Mr. OVERTON. Mr. President, the Chief of Engineers has testified that it is very necessary that the work of restoring the broken levees and of strengthening those which have been impaired be very promptly undertaken, and he has already made plans to carry that work into execution.

I desire, therefore, to ask unanimous consent for the consideration of a bill introduced by the Senator from Illinois [Mr. Lucas] dealing with that subject matter. When the bill is passed, which I think can be done, let me say, in a very few minutes—

Mr. LUCAS. Mr. President, I rise to a point of order. I maintain the Senate is not in order. This is an important measure, and I desire to hear the discussion.

The VICE PRESIDENT. The Senator from Illinois is correct. The Senate has not been and is not in order. The Chair requests the Senate to be in order.

Mr. OVERTON. Mr. President, it is necessary that the bill be passed, in order that there may be an appropriation made in the forthcoming deficiency appropriation bill. The authorization is for \$10,000,000 and unless the Senate passes the bill the appropriation cannot be made.

The bill introduced by the Senator from Illinois was amended by the Committee on Commerce. There is only one controversial feature in reference to the amendment suggested by the Committee on Commerce, and that controversy has been amicably settled.

Mr. McNARY. Mr. President, there is a rule of the Senate providing that Senators must occupy their seats or leave the Chamber. There is conversation going on so that I cannot understand what is happening.

The VICE PRESIDENT. The Chair requests that Senators occupy their seats.

Mr. OVERTON. The Senator—

Mr. McNARY. Mr. President, I want the order enforced.

The VICE PRESIDENT. The Senate will be in order.

Mr. OVERTON. May I now proceed?

The VICE PRESIDENT. The Senator from Louisiana.

Mr. OVERTON. The junior Senator from Missouri [Mr. TRUMAN] offered an amendment, which is in section 2 of the bill, authorizing loans to be made by the R. F. C., with the approval of the Interstate Commerce Commission and under

the direction and supervision of the Secretary of War and the Chief of Engineers, to railroads whose tracks have been damaged or wiped out as a result of the recent floods.

Mr. AIKEN. Mr. President—

Mr. OVERTON. Will the Senator permit me to explain? It will take but a moment.

Mr. AIKEN. I wish to know the number of the bill.

Mr. OVERTON. Senate bill 1134.

Mr. AIKEN. Is it on the calendar?

Mr. OVERTON. Yes.

The VICE PRESIDENT. The clerk will state the bill by title.

The CHIEF CLERK. A bill (S. 1134) to amend section 5 of the Flood-Control Act, approved August 18, 1941.

Mr. OVERTON. The objection raised to the provision for loans to the railroads was that it was provided that the loans should be made without interest. The settlement of this controversial provision has been effected, I understand, with the Senator from Missouri, and an amendment will be offered which will provide that interest at the rate of 3 percent per annum shall be charged on such loans.

Mr. President, with this brief explanation, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill.

Mr. McNARY. Before consent is granted, if at all, I should like to make a very brief statement, which I feel morally bound to make.

I favored the bill, but on Friday, when the very able Senator from Oklahoma [Mr. THOMAS] asked that the Senate proceed to the consideration of the Military Establishment appropriation bill, I objected because the hearings had not been printed. At the same time I told the Senator that I should be willing to have that bill follow the bill which has just been recommitted to the conference.

I do not wish to consent to the consideration of the bill in which the Senator from Louisiana is interested, a legislative bill, when I promised that the Military Establishment appropriation bill might have the right of way. If the Senator from Oklahoma does not wish to exercise his right, I have no objection, but I am carrying out the promise I made and the understanding had on Friday and Saturday. If the Senator from Oklahoma desires the right of way to take up the Military Establishment appropriation bill, I shall object to the pending request. If the Senator is unconcerned about the matter I have fulfilled my duty.

Mr. OVERTON. The difference between the two bills is that there will be no trouble in disposing of the War Department appropriation bill, but in order to obtain an appropriation and proceed with this necessary work it is necessary to an authorization, and if an authorization is not now provided it will be too late.

Mr. McNARY. I understand the parliamentary situation, I know the necessity of having an authorization bill precede an appropriation bill, but that does not touch the moral aspects of the situation. I ask the Senator from Oklahoma whether he desires that the bill

referred to by the Senator from Louisiana precede the bill he has in charge.

Mr. OVERTON. If I may make another observation before the Senator from Oklahoma proceeds, I think Senate bill 1134 can be disposed of in 5 minutes after the unanimous consent request is granted.

Mr. THOMAS of Oklahoma. Mr. President, as chairman of the subcommittee of the Committee on Appropriations having in charge the War Department appropriation bill, I am ready to proceed with the consideration of the bill, but the bill sponsored by the Senator from Louisiana affects a flood-control area which embraces my State. So, personally, I am interested on behalf of my State, I may say for the benefit of the Senator from Oregon, and I should be very glad to have Senate bill 1134 acted on first.

Mr. McNARY. I have no objection.

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. McCARRAN. A point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. I was engaged in a very inaudible conversation when this matter was presented. My point of order is that yesterday House bill 2935, an appropriation bill, was made the unfinished business for today. In that event it is the unfinished business, and should be proceeded with and disposed of before anything else is taken up. I make the point of order that House bill 2935 now has precedence on the floor.

The VICE PRESIDENT. The Senator from Louisiana asked for unanimous consent. Unanimous consent having been granted, the Senator from Louisiana has the right-of-way.

Mr. McCARRAN. I do not understand unanimous consent to have been granted. I certainly would not have consented to the request if I had known of it. I cannot consent to it now, if it is not too late. I was on the floor and on my feet attempting to get the attention of the Chair.

The VICE PRESIDENT. The Chair feels that the Senator from Nevada should not be placed at a disadvantage because the Chair did not happen to be looking in his direction at the moment.

Mr. McCARRAN. I think it will not take over 5 minutes to dispose of the all-important appropriation bill, which must go to conference and must be acted on before midnight. I have conferred with the Senator from Missouri, and the point he was about to raise I understand will not be raised, so that we can dispose of the bill.

Mr. McNARY. May I inquire of the able Senator to what bill he is referring?

Mr. McCARRAN. The bill we have been dealing with is House bill 2935, making appropriations for the Labor Department and Federal Security Agency. All that has to be done is to consider an amendment which will be offered by the junior Senator from Missouri [Mr. TRUMAN], and the passage of the bill.

The VICE PRESIDENT. The Chair would not like to be placed in the posi-

will stick out my neck and, if necessary, will take a third licking by the Senate.

Mr. McNARY. Let me conclude by inquiring whether the hearings on the war agencies appropriations bill have been printed.

Mr. McKELLAR. No. They will be ready by tomorrow.

Mr. BARKLEY. Mr. President, let me see if the unanimous-consent request covers sufficient ground. I understand that the Senator from Tennessee has requested that the Committee on Appropriations be authorized to submit reports on any bills it has ready to report during the recess of the Senate, between the hour of recess today and the hour of meeting tomorrow. Is that correct?

Mr. McKELLAR. That is correct.

The VICE PRESIDENT. Without objection, the request of the Senator from Tennessee is agreed to.

ESTABLISHMENT OF A WOMEN'S ARMY CORPS—CONFERENCE REPORT

Mr. REYNOLDS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 495) to establish a Women's Army Auxillary Corps for service in the Army of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 8.

That the Senate recede from its disagreement to the amendments of the House numbered 4, 5, 6, and 7, and from its disagreement to the amendment of the House to the title of the bill; and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That there is hereby established in the Army of the United States, for the period of the present war and for six months thereafter or for such shorter period as the Congress by concurrent resolution or the President by proclamation shall prescribe, a component to be known as the 'Women's Army Corps'. The total number of women enlisted or appointed in the Women's Army Corps shall not exceed the number authorized from time to time by the President."

And the House agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"The enlisted personnel of such corps shall consist of women of excellent character in good physical health, who are enlisted in the Army of the United States under the provisions of the last paragraph of section 127a of the National Defense Act, as amended (54 Stat. 213), and who are on the date of such enlistment citizens of the United States between the ages of twenty and fifty years."

And the House agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"The commanding officer of such corps shall be a colonel and such officers of lower rank shall be appointed as the Secretary of

War may prescribe: *Provided*, That physicians and nurses shall not be enlisted in this corps: *And provided further*, That commissioned officers and noncommissioned officers of the Women's Army Corps shall exercise command only over women of the Women's Army Corps and other members of the Army of the United States specifically placed under their command."

And the House agree to the same.

ROBT. R. REYNOLDS,
ELBERT D. THOMAS,
EDWIN C. JOHNSON,
STYLES BRIDGES,

Managers on the part of the Senate.

ANDREW J. MAY,
R. E. THOMASON,
MATTHEW J. MERRITT,

Managers on the part of the House.

Mr. REYNOLDS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the report.

The VICE PRESIDENT. Is there objection?

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Pepper
Andrews	Hawkes	Radcliffe
Ball	Hayden	Reed
Bankhead	Hill	Revercomb
Barkley	Holman	Reynolds
Bilbo	Johnson, Colo.	Robertson
Bone	Kilgore	Russell
Bridges	La Follette	Scrugham
Brooks	Langer	Shipstead
Buck	Lodge	Smith
Butler	Lucas	Stewart
Byrd	McCarran	Taft
Capper	McClellan	Thomas, Okla.
Caraway	McFarland	Thomas, Utah
Chandler	McKellar	Truman
Chavez	McNary	Tunnell
Clark, Mo.	Maloney	Tydings
Danaher	Maybank	Vandenberg
Davis	Mead	Van Nuys
Downey	Millikin	Wagner
Eastland	Moore	Wallgren
Ferguson	Murdock	Wheeler
George	Murray	Wherry
Gerry	Nye	White
Green	O'Daniel	Willis
Guffey	O'Mahoney	Wilson
Gurney	Overton	

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

The VICE PRESIDENT. The question is on agreeing to the conference report. The report was agreed to.

RELATIVE CONTRIBUTIONS BY UNITED NATIONS TOWARD WINNING THE WAR—GALLUP POLL AMONG THE BRITISH PEOPLE

Mr. REYNOLDS. Mr. President, at this time I respectfully address the people of the British Empire, and I especially wish to have the ear of our distinguished friend and fellow world-wide patriot, Mr. Winston Churchill.

This afternoon we appropriated \$71,000,000,000 for our part in participating in the present World War. I am informed by one of my colleagues that last year we appropriated about \$75,000,000,000. I dare say that during our participation in the present World War we

have appropriated and authorized the expenditure of more money than all the appropriations and expenditures of both the other Allied Powers and the Axis Powers.

In other words, during our participation in the present World War we have doubtless spent more than all the Axis nations and all the other Allied nations combined. I make mention of that fact, and call it to the particular attention of Mr. Churchill and the British people because I have just read in the columns of a magazine having Nation-wide circulation a statement to the effect that a Gallup poll was recently taken in the British Isles, at which time the British people were asked to cast their votes on the relative contribution of the United Nations toward winning the war.

The British people, whom we are aiding, with whom we are cooperating, and whom we are trying to save, being afforded that opportunity, voted as follows:

They voted that Russia had contributed 50 percent to winning of the war; that Great Britain had contributed 43 percent; that China had contributed 5 percent; and we were given honorable mention by their vote to the effect that we had contributed 3 percent to the winning of the war.

URGENT DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. McKELLAR. Mr. President, the clerk of the Appropriations Committee will be here in a moment with the conference report. While we are waiting for it, I wish to state to the Senate what is in it.

The Senate voted on this question earlier in the day. To use a slang expression, perhaps I ought not to have "stuck my neck out" again by even asking that the bill again go to conference; but some Members were very much interested in another phase of the conference on this bill, which has been taking place almost daily for weeks, so the conferees were called together. They have made a report, reporting the much controverted matter which was voted on earlier in the day exactly as it then stood.

In addition, the House conferees have agreed to the Senate amendment, as amended by the House, placing certain restrictions on the President's use of his personal fund, with certain exceptions. Those exceptions are, first, that he may use it in any way he sees fit for the War Department; secondly, that he may use it for the Navy Department in any way he sees fit; thirdly, that he may use it in any way he sees fit for the State Department, the F. B. I., and the strategic services. There is one other exception which escapes me at the moment, but which I shall state to the Senate as soon as the report arrives.

It is hoped, after conference with various members of the conference committee, that at this time the conference report may have enough votes to be adopted, so that worthy Government employees may receive their increases in salary, and the bill may become law.

As I have frequently stated, I do not agree with the method which the House has adopted for getting rid of the three Government employees in question. I feel very much better about it when I know that before next November they will come before the Senate and receive a fair deal. Ordinarily I would not take the course which the House has taken; but as I have told the Senate half a dozen times or more, this is the only way we can get a bill.

I happen to be the acting chairman of the Appropriations Committee.

I do not think we ought to hold up a worthy bill such as this which affects so many of the employees of the Government, and which would increase their salaries to a certain extent.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. McGill, one of its clerks, announced that the House had receded from its disagreement to the amendment of the Senate numbered 87 to the bill (H. R. 2481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1944, and for other purposes, and concurred therein; that the House further insisted upon its disagreement to the amendments of the Senate numbered 88, 92, 98, and 99 to the bill; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TARVER, Mr. CANNON of Missouri, Mr. SHEPPARD, Mr. WENE, Mr. LAMBERTSON, Mr. DIRKSEN, and Mr. PLUMLEY were appointed managers on the part of the House at the further conference.

The message also announced that the House still further insisted upon its disagreement to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 5 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes; that the House still further insisted upon its disagreement to the amendments of the Senate Nos. 60 and 61 to the bill; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON of Missouri, Mr. WOODRUM of Virginia, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. RABAUT, Mr. JOHNSON of Oklahoma, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER were appointed managers on the part of the House at the further conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2996) making appropriations for the Military Establishment for the fiscal year ending June 30, 1944, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SNYDER, Mr. STARNES of Alabama, Mr. KERR, Mr. MAHON, Mr. POWERS, Mr. ENGEL, and Mr. CASE were appointed managers on the part of the House at the conference.

URGENT DEFICIENCY APPROPRIATIONS— CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment numbered 5, and agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: Restore the matter stricken out by such amendment, amended to read as follows:

"Sec. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this Act, or (2) which is now, or which is hereafter made, available under or pursuant to any other Act, to any department, agency, or instrumentality of the United States, shall be used, after November 15, 1943, to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Junior, and Robert Morris Lovett, unless prior to such date such person has been appointed by the President, by and with the advice and consent of the Senate: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to November 15, 1943: *Provided further*, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States nor any benefit, pension, or emolument resulting therefrom."

And the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 61.

KENNETH McKELLAR,
MILLARD E. TYDINGS,
GERALD P. NYE,
H. C. LODGE, JR.,

Managers on the part of the Senate.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,

Managers on the part of the House.

Mr. McKELLAR. I ask that the Senate now proceed to the consideration of the report.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior years, and for other purposes.

Mr. McKELLAR. Mr. President, I have said about all I wanted to say about the subject. Senators know what is involved. I think it would be wise to vote, and if

the conference report is rejected, the bill will have to fail.

Mr. BARKLEY. Mr. President, will the Senator yield for an inquiry?

Mr. McKELLAR. I yield.

Mr. BARKLEY. As I understand the Senator from Tennessee, the conferees have made no change whatever in the previous conference report regarding the three men who are to be discharged by the provision of the House bill. Am I correct in that regard?

Mr. McKELLAR. They made no change in the bill as reported to the Senate this morning.

Mr. BARKLEY. That is what I am talking about.

Mr. McKELLAR. But they have made very great changes every time we reported it. We have reported it so often that I am getting very tired of it.

Mr. BARKLEY. There has been no change in that provision in the conference report voted upon this morning.

Mr. McKELLAR. No, there has been no change in that provision.

Mr. BARKLEY. The change which has been made by the conferees is a change affecting the clipping of the President's wings regarding the use of funds appropriated for him by the Congress.

Mr. McKELLAR. Yes, though I will not say that it is a clipping of the President's wings. If the Senator from Kentucky claims it is, I remind him he voted this morning to clip the President's wings.

Mr. BARKLEY. Oh, no.

Mr. McKELLAR. Oh, yes, he did; because that was a part of the conference report which was defeated because that part of it was not in.

Mr. BARKLEY. What part?

Mr. McKELLAR. That part regarding the President.

Mr. BARKLEY. Does the Senator refer to the expenditure of the fund?

Mr. McKELLAR. I refer to the expenditure of that fund. If that part had not been in the bill, as stated by the Senator from West Virginia [Mr. REVERCOMB], the report would probably have been agreed to. But the Senator from Kentucky voted with the fund perfectly free in the President. The Senator from Kentucky voted against agreeing to the conference report.

Mr. BARKLEY. I know how I voted and I know how the Senator from West Virginia [Mr. REVERCOMB] voted. He voted against the conference report because it did not sufficiently clip the wings of the President. We might as well all be frank about it.

Mr. McKELLAR. Yes, let us be frank.

Mr. BARKLEY. I voted against the conference report notwithstanding the freedom of the President's fund, but because of the manner in which the employees were dealt with. The Senator from West Virginia voted against it because of the manner in which the fund was dealt with, he wants the President's wings clipped and the conferees have gone out and clipped them, and it is hoped that, now that the President's wings have been clipped, there will be mustered enough votes to adopt the con-

ference report with no change whatever in the manner of dealing with these three men. That is the whole situation.

Mr. McKELLAR. Well, if it is, let us vote on it.

Mr. BARKLEY. That is all right.

Mr. McKELLAR. Let us try it again.

Mr. BARKLEY. I want every Senator to understand it.

Mr. McKELLAR. I tried to make it plain to the Senator this morning, but I was utterly unable to do so. I asked him both privately and publicly about it.

Mr. BARKLEY. In other words, the issue now is that, in order to hold out some hope of getting the conference report agreed to, in spite of the fact that no change has been made in the manner of dealing with the three employees, the manner in which the President is to exercise his power in dealing with the funds appropriated by Congress is so modified as to induce a sufficient number of opponents on that ground to vote for its adoption. That is the whole truth about it. We ought as well understand that that is the situation. And it has been frankly stated that the votes will be delivered, and they are now in the process of being delivered to adopt the conference report because the President's wings have been clipped some more.

Mr. McKELLAR. I hope the Senator has correctly stated the situation. [Laughter.]

Mr. BARKLEY. I am satisfied the Senator hopes that, and I am satisfied the conferees have acted as they have in the hope that it is a sop to Senators who may cast the necessary votes.

Mr. McKELLAR. Oh, no.

Mr. CLARK of Missouri. Mr. President, I desire to make the point that there is no business before the Senate.

Mr. BARKLEY. I hope the Senator from Missouri will not take the position that when the Senator from Tennessee and I are before the Senate there is no business before it. [Laughter.]

Mr. CLARK of Missouri. Mr. President, I make the point of order that there is nothing before the Senate, and we are now being confronted by a filibuster by the Senator from Tennessee in an effort to tie up the work of the Senate until he can get his conference report agreed to. I make the point of order that there is no business before the Senate.

Mr. McKELLAR. I wish to say to the Senator from Kentucky that this morning was the time to have brought that matter up, when I told him about it. I thought that as acting chairman of the Committee on Appropriations, as a part of the organization, when a report was brought before the Senate I had reason to expect, it might have been a very humble reason, it might have been a very good reason, but as a member of the organization I thought I had a right to expect that when the conference committee brought in a report we would receive help from the organization of our side of the Senate. We did not receive that help, but instead we received very active opposition. Due to the activity of our leadership, the conference report was defeated this morning. I am now offering another report, and I hope the Senate will

undertake to vote on it, and vote on it tonight. I plead with my friend, the Senator from Missouri, not to make his point of order.

Mr. CLARK of Missouri. Mr. President, I do not think we ought to vote on the conference report tonight. We have voted on it once today already. The Senate has acted on the conference report three times, and was three times flouted by its own conferees, an overwhelming majority of the Senate flouted three times by its own conferees. The House conferees never took the matter back for a separate vote. Always our conferees have yielded. Therefore, Mr. President, there is no necessity of bringing in the conference report at this hour of the night, and it should be laid over until tomorrow. I repeat my point of order that there is nothing before the Senate.

Mr. McKELLAR. Mr. President, I offer the conference report and move that it be agreed to.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. McKELLAR. My report and motion have been made, have they not? I move the adoption of the conference report.

The VICE PRESIDENT. The report has been presented.

Mr. McKELLAR. And I made the motion that the report be agreed to.

The VICE PRESIDENT. The motion is not yet in order. The absence of a quorum has been suggested, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Pepper
Andrews	Hawkes	Radcliffe
Ball	Hayden	Reed
Bankhead	Hill	Revercomb
Barkley	Holman	Reynolds
Bilbo	Johnson, Colo.	Robertson
Bone	Kilgore	Russell
Bridges	La Follette	Scruggam
Brooks	Langer	Shipstead
Buck	Lodge	Smith
Butler	Lucas	Stewart
Byrd	McCarran	Taft
Capper	McClellan	Thomas, Okla.
Caraway	McFarland	Thomas, Utah
Chandler	McKellar	Truman
Chavez	McNary	Tunnell
Clark, Mo.	Maloney	Tydings
Danaher	Maybank	Vandenberg
Davis	Mead	Van Nuys
Downey	Millikin	Wagner
Eastland	Moore	Wallgren
Ferguson	Murdock	Wheeler
George	Murray	Wherry
Gerry	Nye	White
Green	O'Daniel	Willis
Guffey	O'Mahoney	Wilson
Gurney	Overton	

The VICE PRESIDENT. Eighty Senators have answered to the roll call. A quorum is present.

The clerk will read the conference report for the information of the Senate.

The report was read.

Mr. McKELLAR. I move that the conference report be agreed to.

Mr. CLARK of Missouri. I suggest the absence of quorum.

Mr. BARKLEY. Mr. President—

The VICE PRESIDENT. The absence of a quorum having been suggested—

Mr. BARKLEY. I thought I had the floor, and I did not yield it to anyone to make a point of no quorum. I had sought recognition of the Chair at the

time the Senator from Tennessee rose and made his motion.

The VICE PRESIDENT. The Senator from Kentucky.

Mr. BARKLEY. I wish to appeal to the Senator from Missouri not to make a parliamentary fight on the conference report. I do not see anything to be gained by throwing it over until tomorrow.

Mr. CLARK of Missouri. I do not see any purpose in bringing in a conference report at this hour of the night, flouting three times the declared will of the Senate.

Mr. BARKLEY. At this stage of the legislative situation it is necessary for the Senate and the House to hold late sessions and bring in matters of this kind at a late hour. Ordinarily, in a normal situation, it would not be done, but I do not think any exception can be taken to the fact that it is done in this particular instance. I do not see anything to be gained by forcing the matter to go over.

As the Senator knows, I am in sympathy with his views. I have rendered such feeble assistance as I could.

Mr. CLARK of Missouri. And rendered very valiant service in the cause.

Mr. BARKLEY. I will say to the Senator from Tennessee that he should not complain at my attitude in reference to the matter because he got more votes for his conference report than the last time it had been voted on, so my opposition seems to have helped him instead of hurting him.

Mr. McKELLAR. I thank all for the small favors they have given me heretofore, and I hope they will continue to give them.

Mr. BARKLEY. I hope sincerely the Senator from Missouri will not delay this matter.

Mr. CLARK of Missouri. There is a very small attendance of the Senate present. If we are to vote on this matter, we should at least have as large an attendance as possible.

Mr. BARKLEY. There are more Senators on the floor now than there will be between 11 and 12 o'clock tomorrow, when the Senate will reconvene.

Mr. CLARK of Missouri. Therefore it seems to me that on a matter on which the Senate has decisively declared itself three different times, there should be a full attendance of the Senate before we are asked to repudiate that position.

Mr. BARKLEY. I am satisfied that on a roll call there will be a full attendance of the Senate, if there is a roll call.

Mr. CLARK of Missouri. There will be a roll call, if a sufficient number of seconds can be obtained, I assure the Senator.

Mr. CHAVEZ. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. CHAVEZ. If there is no reason to vote on the matter tonight, what reason is there for having a quorum call?

Mr. BARKLEY. There is no point of order pending at the moment that a quorum is not present.

I sincerely hope the Senator from Missouri will permit this matter to come

to a vote tonight, because I do not think the vote will be any different. There might be two or three one way or the other, depending on the presence or absence of Senators, but by and large the result would be the same this afternoon as it would be tomorrow morning. We have only one more day in which to dispose of the appropriation bills.

I share the feeling of the Senator from Missouri regarding the action of the conferees respecting this measure. We have had a vote on it three times. It has not been taken to the House for a vote. The House has not even been given an opportunity to recede from the language of its provision, which the Senate has three times voted down, and I think in fairness to the Senate and to the conferees themselves the House conferees should have been willing to take the bill back to the House to see whether the House itself, on another separate vote, would insist upon the language in the bill; but that has not been done. We have the conference report before us, and under the parliamentary situation it must be voted on in the Senate first, it cannot be voted on in the House first, and I hope we can dispose of it this afternoon, because tomorrow we will have two other appropriation bills which will be reported between now and 11 o'clock for consideration, and we will have two other conference reports. It is therefore important that this matter be disposed of one way or the other, without going over until tomorrow.

The VICE PRESIDENT. Did the Chair correctly understand the Senator from Tennessee to make a motion that the Senate now proceed to take up the conference report?

Mr. McKELLAR. Indeed I did.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to consider the conference report.

Mr. McKELLAR. I now move the adoption of the conference report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. CLARK of Missouri. I ask for the yeas and nays.

Mr. McKELLAR. Very well.

The yeas and nays were ordered.

Mr. CLARK of Missouri. Pending that, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Davis	Lodge
Andrews	Downey	Lucas
Ball	Eastland	McCarraa
Bankhead	Ferguson	McClellan
Barkley	George	McFarland
Bilbo	Gerry	McKellar
Bone	Green	McNary
Bridges	Guffey	Maloney
Brooks	Gurney	Maybank
Buck	Hatch	Mead
Butler	Hawkes	Milikin
Byrd	Hayden	Moore
Capper	Hill	Murdock
Caraway	Holman	Murray
Chandler	Johnson, Colo.	Nye
Chavez	Kilgore	O'Daniel
Clark, Mo.	La Follette	O'Mahoney
Danaher	Langer	Overton

Pepper	Smith	Van Nuys
Radcliffe	Stewart	Wagner
Reed	Taft	Wallgren
Revercomb	Thomas, Okla.	Wheeler
Reynolds	Thomas, Utah	Wherry
Robertson	Truman	White
Russell	Tunnell	Willis
Scrugham	Tydings	Wilson
Shipstead	Vandenberg	

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

Mr. MAYBANK. Mr. President, I understand that earlier today the Senate voted on the question whether there should be Senate confirmation with respect to the three persons whose names are contained in the appropriations measure in dispute. Discussion was had as to whether they were this, that, or the other. I very frankly have never seen the testimony concerning these persons. I voted for the report which was made after free conference, with the understanding that if the charges made against these men were established to be true they would be presented in the Senate, and I would have another chance to vote. Now I understand, Mr. President, in addition to giving them this chance before the Senate of the United States, there is in this free conference report a limitation placed upon the expenditure of funds by the President of the United States. I should like to know whether my understanding is correct.

Mr. McKELLAR. Mr. President, I have stated exactly what the limitation is. The limitation is a very broad one. We except entirely the State Department, the War Department, the Navy Department, the F. B. I., and the Office of Strategic Services, and I believe one other agency. I think there are seven in all.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. McFARLAND. May we have read the proposed language, as it will appear in the conference report, if it shall be adopted?

The VICE PRESIDENT. The clerk will read.

Mr. BARKLEY. Mr. President, in order that we may understand the complete language, why not have the whole amendment read?

The VICE PRESIDENT. The clerk will read the amendment.

The legislative clerk read as follows:

Amendment No. 5: Page 3, line 16, strike out "Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for the National Resources Planning Board or the Farm Security Administration or for any of the functions of either said Board or said Administration", and insert "Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for any of the functions of any agency of Government for which appropriations have been duly made by the Congress, or for the functions of any agency for which estimates have been submitted by the Budget and for which the Congress has failed to make appropriations: Provided further, That this limitation shall not apply to allotments or allocations made to the War Department or the Navy Department, the Department of State or the Office of Strategic Services or the Federal Bureau of Investigation."

Mr. WHERRY. Mr. President, will the Senator from Tennessee yield for a question?

Mr. McKELLAR. I am glad to.

Mr. WHERRY. I have been away from the Senate Chamber in attendance on a committee meeting. I wish to know if the conference report now proposes to chop off the appropriation which would be made to pay the salaries of these three men, or if the appropriation is contingent for a period, and then upon reappointment the nominations of these men are to be confirmed by the Senate, because that is the point on which I shall base my vote.

Mr. McKELLAR. The language is exactly the same as that voted upon earlier today.

Mr. WHERRY. That is, that these men shall continue to be on the pay roll for a definite period of time?

Mr. McKELLAR. Until November 15.

Mr. WHERRY. The provision does not withhold the appropriation to pay their salary?

Mr. McKELLAR. It provides for payment until November 15, when they are to be appointed by the President and confirmed by the Senate.

Mr. CLARK of Missouri. Mr. President, it seems to me that the conference report under discussion this afternoon presents one of the most amazing spectacles that has ever been presented in the Senate of the United States or in any other parliamentary body. The will of the Senate on this particular matter has been expressed overwhelmingly on three different occasions. The Senate struck out the House provision in the original bill by a vote of 69 to 0, whereupon the Senate conferees blithely entered into a conference, and after one session, one day, without the House Members making any concessions whatever, brought in a conference report accepting the House provision. That was defeated in this body after full debate by a vote of 52 to 17. It was a very unusual procedure for a conference report, particularly on a general appropriation bill, to be defeated by such an overwhelming vote in the Senate. It evidenced a very strong feeling on the part of the Senate upon this particular matter.

Thereupon the Senate conferees went into another very brief conference and emerged again with precisely the same proposition, or substantially the same proposition, putting in a little sop in the shape of allowing these fellows to stay on the pay roll until the 15th of November, whereupon if they were reappointed, they would have to have Senate confirmation.

The Senate considered the report, and after extensive debate it was again overwhelmingly defeated in this body. Whereupon in the course of 1 day the Senate conferees went back to conference and have returned with precisely the same proposition word for word.

So far as the provision with regard to these three men is concerned, it was voted down earlier today after extensive debate. But in the most bare-faced attempt to trade votes that I think I have ever witnessed in this body it was hoped to win sufficient support for the same proposition which was voted down earlier

today, by simply placing another provision in the measure for the purpose of hamstringing the President of the United States, a provision which has nothing on the face of the earth to do with the proposition which has been the subject of debate here all the time.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. CHAVEZ. Is it not a fact that the Senate itself started the matter of taking away personnel by not making appropriations?

Mr. CLARK of Missouri. I have heard the Senator make that statement. I do not know whether it is true. It makes no difference who first started the practice; it is bad. It should never have been indulged in. So far as I am concerned, I have voted against such a proposition whenever I could.

Mr. CHAVEZ. Is it not a fact that so far as Dave Lasser was concerned, the Senate was the body which took him off the pay roll, by cutting off the appropriation?

Mr. CLARK of Missouri. That may be true; I cannot dispute the Senator's statement. I do not recall the facts.

I do recall that, as to one of the men involved in the present matter, to wit, Goodwin Watson, the House put in the same provision last year, and I recall that the Senator from Kentucky and I and several other Senators even at that time opposed the provision on the ground that it was outrageous, sumptuary legislation. I still think it is. I think it is as bad now as it was when the Senate voted 69 to nothing against it. I think it is just as bad now as when the Senate turned down the first conference report by a vote of 52 to 17; and certainly the proposition is identical to the one which the Senate turned down earlier today.

I think the Senate, in order to protect the orderly processes of free government, should adhere to its position, and should allow the House to take the responsibility, if it desires to do so, of defeating meritorious legislation by adhering to an indefensible position.

Mr. President, before I take my seat, I desire to say that I think the inclusion of a sumptuary provision, as the Senator from Kentucky described it, by the conferees in the attempt to pick up a few antiadministration votes on this infamous proposition, makes it even worse.

Mr. CHAVEZ. Mr. President, on several occasions I have voted against the attempt to deprive the three persons involved of their positions by cutting out the appropriation. I still think it is wrong; but I still feel that, beyond the interest of the three men involved, is the interest of the Government of the United States. The Government must carry on. Whatever law Congress may pass, some individual citizen of the country is involved, and many suffer; but, nevertheless, we still pass the law.

We now have before us a situation which involves the practical question, Will we, because of the fact that three particular persons are involved, jeopardize the passage of a bill which is of much importance to the country as a whole, forgetting about the purposes or the rea-

sons for the bill itself or the effect which it must have?

Imagine the millions who will be affected or the thousands who will not receive their pay on the 1st of July, if the bill is not passed, because someone wants to protect three particular persons. Senators talk about believing in the rule of the majority, which is democracy at its best; and yet they object to a conference report because it would interfere with the welfare of three particular persons. Thousands are dying. They do not object, because they feel they are dying for the good of the whole country. Thousands are injured for the benefit of the whole country; thousands are making the supreme sacrifice for the benefit of the whole country; but at this moment we are willing to jeopardize the welfare of the Government itself and the making of salary payments to thousands of employees of the Government because we feel that three employees should not be discharged. Of late we have been hearing how England does things. England's way of doing things may be all right. Some may agree; some may not. Nevertheless, we have been told that England uses the method advocated in the report. England gets rid of the ones who are not wanted by denying appropriations.

Irrespective of all that, the conferees have worked hard. They have tried to carry out the Senate's idea on the proposition. On several occasions, I have voted against dismissing the three particular men because I did not think the procedure was correct.

I still insist that government should prevail and should carry on, notwithstanding the suffering of individuals. In this instance, I shall stand by the conferees.

Mr. FERGUSON. Mr. President, there has been considerable debate on this question. I realize that compromises are necessary, but we cannot compromise the Constitution of the United States. It has been stated that votes will be cast in favor of the compromise in order that the wings of the Executive may be clipped. I desire to say to the Senate now that in attempting to clip the wings of the Executive, the Senate will clip the Constitution of the United States. That is not the way to discharge the three men concerned. Above the portico of the Supreme Court Building, across the park, are engraved the words "Equal Justice Under Law."

The majority has no right to take away, illegally, the rights of the three men who now are a minority. That is not the way we do things under the Constitution. I do not believe that anyone should sacrifice the three men concerned. I am not pleading for the three men particularly; I do not know them. The question is not who they are, but how we are to proceed.

The Government will go on if we will simply adhere to the Constitution. Members of the Senate should be very careful, when they cast their votes, that they do not by their votes take away or compromise the rights of the men con-

cerned, merely for the sake of clipping the wings of the President.

I desire to say now, upon the record, that I am in favor of the provision which is called the one for clipping the wings of the President, but I will not sacrifice a principle the sacrifice of which would be a violation of the provisions of the Constitution.

It has been said on this floor that the men concerned can go to court, that they can sue. However, that is not the way to proceed. Do we realize what it would mean to have this case carried to the Supreme Court of the United States?

I should like to see this body clip the wings of a man who hires men of this kind. That is the way to reach the issue, not to go down to the bottom and discharge the men, as is proposed to be done under the bill.

I hope every Senator who votes on the conference report will have in mind that if he attempts to clip the wings of the Executive by voting to accept the report, he will be clipping the wings of democracy.

Mr. McFARLAND. I appreciate the hard work the Senator from Tennessee has done upon this conference report. I know he is honest and conscientious in his efforts. However, a great deal has been said about clipping the wings of the President. When it comes to a proposition to clip the wings of the President, I desire to say that today we are engaged in an all-out war, and this is no time to clip the wings of the President by limiting the use of money appropriated for emergency purposes during a war such as the one in which our country finds itself engaged.

The money is given to the President of the United States to meet emergencies caused by this war. We are planning a recess for 60 days. The President may need some of this money for some of the things for which this report may prohibit its use.

No matter what we may think of the President, I do not think we should clip the wings of the President in time of war by taking away emergency money. I voted for the conference report before, but I shall vote against it this time for that reason. I feel that we should stand by the President in this emergency.

Mr. REVERCOMB. Mr. President, in the discussion which has taken place here, apparently the inference has been left—whether intentionally or unintentionally makes little difference—that the conference committee has suddenly written something into the bill. Let me say to the Senate that when the bill first came before the Senate for consideration the language in question was written into the bill as an amendment. The provision limiting the use of the money which was voted to the Chief Executive was agreed to by the Senate. The bill went to conference, and the conferees eliminated the provision.

That limitation on the use of those funds was the act of a majority of the Senate. It is no compromise to put that language in the bill. It was inserted by a vote of a majority of the Senate. The conferees made the mistake of taking it out.

A great deal has been said about the clipping of wings. If there is need for the clipping of wings, they ought to be clipped; but this is not a clipping of wings. Under the Constitution, of which my friend speaks, the Congress is authorized to make appropriations of money. That power lies solely with the Congress. I am advised that the bill would place in the hands of the Chief Executive some \$69,000,000 by reappropriation, and in addition some \$25,000,000 of new appropriations.

What does this language provide? Why all the talk about clipping of wings? The language does not provide that the President may not use the funds for any purpose he sees fit, unless he should assume the position of using the money absolutely to destroy the force and effect of an act of Congress. What is the language of the provision? It is to the effect that the President may not use his funds to supplement an appropriation; and he may not use them for an agency of Government for which the Congress has denied an appropriation. I can understand the appeal which is made by some Senators on the ground of leaving the President free in time of war. Heaven knows, Congress has left him free. Let me say in all earnestness that if Congress has done anything which has not met the approval of the people of the country, it has been to surrender its power to the Chief Executive.

Let me be frank. The time has come when reasonable restraints must be used if the powers of the Congress are to be safeguarded. I submit that it is not an unfair restraint, when we put into the hands of the President some \$90,000,000, to say that such funds shall not be used to defeat the will of Congress.

There has been much said about the three employees whom it is proposed to sever from the Government pay roll. I do not want to see wrong done to them, or to any other man. However, the matter of the relationship between the Congress and the Executive, and the matter of the welfare of the people of the country are not partisan questions. They are far more serious subjects than that of the three employees concerned, or any other three officeholders under the Government.

Mr. President, I submit that it is a fair restriction. It is a fair provision to say to the Chief Executive that these funds must not be used for any agency for which no appropriation has been made, or for which an appropriation has been refused by the Congress. I do not think it is unfair. I do not think it is a clipping of wings. I think that is a severe phrase to use.

As this restriction is now before the Senate, it is much less a restriction than this body voted into the bill before it went to conference, and before the conferees took the provision out. I submit that it is a fair restriction, a sound provision, and ought to stay in the bill.

Mr. LODGE. Mr. President, I think we are losing sight of one of the important factors in the bill. It is true that it imposes a rather modest, very heavily qualified restriction on the use of certain funds by the Executive; but that restric-

tion applies to only a small part of the funds which are available to him, and still permits him to use them for military purposes.

It is also true that the bill contains language regarding three Government employees. That language is distasteful to me. I heard the eloquent statement of the Senator from Colorado [Mr. MILLIKIN] a few days ago that that language smelled of ancient tombs in which liberty lies buried. I think that is an accurate description. I share the view of the junior Senator from Michigan [Mr. FERGUSON] that this is not the right way to treat people. But under our system of government, Mr. President, it is possible to attach riders to appropriation bills, whether we like it or not. I do not like it, but it is possible, and that is what has been done in this case.

With all the talk about the powers of the President and the treatment of the three individuals, I think we are losing sight of the fact that there are 5,500 employees of the Government in the District of Columbia, and about 100,000 other employees of the Federal Government in the United States whose source of livelihood is at stake in this bill. That is a practical consideration, too. We have a contract with those people. We have held out to them the understanding that we would look after them. It is not right to discuss this question and never refer for a minute to what is, after all, the main purpose of the bill, which is to pay the salaries of servants of the Government.

I do not enjoy hearing it implied that the Senator from Tennessee [Mr. McKELLAR] has not shown sufficient zeal in representing the viewpoint of the Senate. I have been a conferee at all the conferences, and I can certainly vouch for the rugged way in which he has stood up for the viewpoint of the Senate at all times. But we confront gentlemen who have very strong views of their own, and concessions must be made in order to obtain a result.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. LODGE. I shall be glad to yield in a moment.

The Senator from Tennessee is indefatigable. I have been with him most of the time. He has been working morning, afternoon, and night on appropriation bills. He does not spare himself at all. I am certain that any other Member of the Senate who observed the Senator from Tennessee would subscribe to my statement that he has faithfully sought to represent the viewpoint of the Senate.

Mr. President, I yield the floor.

Mr. CLARK of Missouri. Mr. President, I should like to ask the Senator a question. Is it not a fact that in spite of the repeated votes in the Senate on this question, because of the fact that the Senate conferees have yielded at every conference the House has never taken a record vote on this matter since the bill originally passed the House? Is not that correct?

Mr. LODGE. I am not familiar with what has transpired in the House.

Mr. CLARK of Missouri. It is my impression that the Senate has yielded in every conference, and that there never has been a distinct vote in the House on the proposition, as there has been in the Senate.

Mr. LODGE. I do not know whether or not the House has taken a vote, but certainly it is not accurate to say that the Senate has yielded in every conference.

Mr. CLARK of Missouri. There have been several conference reports on which the Senate has yielded.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. BARKLEY. Is it not correct that the House acted on the bill originally, that the next action on the conference report was the refusal of the Senate conferees to accept the House language, that thereupon the conference report was brought before the Senate and was voted on by the Senate, but that the House conferees have never taken that matter back to the House for a vote? The Senate has voted three times on it, but the House conferees have not taken the matter back to the House for a vote.

Mr. LODGE. Mr. President, I do not know what the House has done or has not done. All I desire to say is that the Senate conferees have tried sincerely and laboriously to reach an agreement which would meet with the wishes of the Senate.

Mr. BARKLEY. The Senator is a member of the conference committee. As a member of that committee, he knows that the matter has not been taken back to the House by the House conferees for a vote.

Mr. LODGE. Mr. President, the Senator is trying to get me to say what has taken place in the House. I do not know what happened there.

Mr. BARKLEY. No; I am not trying to get the Senator to say what has taken place in the House. However, as a conferee the Senator certainly knows what took place in connection with the conference report on the bill. The only vote which could be taken on the report was taken in the Senate, and it has not been taken back to the House by the conferees for a separate vote on the amendment.

Mr. WHEELER. Mr. President, I have voted against the conference report on two or three different occasions. I have always felt that the method proposed is not a proper one, although I must confess that in the early days when I first came to the Senate, several other Senators and I did take occasion, when there was a Republican majority in the Senate, to propose to cut off the appropriation for an individual who was appointed by the then Republican President. The Senate voted to cut off the appropriation, and thereby the man was forced to quit his job.

I do not like the idea of proceeding in the manner proposed by the other body, but I wish to say that so far as its being unconstitutional is concerned, there is nothing unconstitutional about it. After all, the Congress of the United States, under the power given to it, can

write in an appropriation bill any limitation it wants to write. There is nothing in the Constitution to prevent Congress from saying that money shall not be appropriated for a certain person.

I think the Senator from Tennessee is one of the most diligent and hard-working Members of this body. I think there is no doubt that he has done the very best he could do. I am not willing to tie up the salaries of hundreds of thousands of employees because of objections to three men who happen to be employees of the Government. When I vote upon the conference report I shall vote to agree to it. I think we all should vote in favor of agreeing to the report, and I should like to have a vote on it now.

Mr. TUNNELL. Mr. President, it seems to me that there are three or four features of this matter which do not appeal to a great many Senators. When the bill first came before the Senate it appeared to me to be outrageous that three men should be specifically named and it should provide that they should not be continued in office without giving them an opportunity to be heard, and that the Senate should pass upon the matter without itself having an opportunity to know whether it was right or wrong to bar them. That was the impression I received.

We now have a great deal in addition. The majority leader has made the statement, in effect, that some sort of a sop has been handed out by way of a change in the bill for the purpose of gaining some votes by means of an agreement of some character. The Senator from Massachusetts has said that only a mild restriction on the President's powers is proposed. If votes are to be obtained by only a mild restriction, that merely indicates the cheapness of the votes. That does not change the situation in any way whatever.

Again, we all know that because of the fact that an attempt is being made to oppose the President, regardless of whatever may be the real motive, tomorrow morning the newspapers will herald the situation over the Nation as a fight against the President of the United States; and no doubt it will be a fairly sweet morsel to Hitler and Mussolini to know that a fight is made against the leader whom they so bitterly hate and that by such an inducement votes can be obtained in the Senate of the United States. It appears to me to be one of the saddest features of a situation of this sort that our enemies may know that one who is particularly opposed to them is also particularly hated by some of those who have votes in the Senate of the United States.

Mr. President, the fact that the proposed restriction is not severe does not change the seriousness of the situation which arises by reason of this matter. The distinguished junior Senator from Michigan has called to our attention the fact that these men have certain constitutional rights, and that their constitutional rights are being ignored. That seems to be a very small matter. However, if votes are to be changed as the second vote is taken today, I wonder

what reason can be given except that the proposal is made for the purpose of clipping the wings of America's war leader, in the midst of war, and in connection with matters which may materially affect the war.

Mr. PEPPER. Mr. President, I should like to ask the able Senator from Tennessee if there has been any evidence that the three men have been guilty of any personal conduct which the committee considers to be inimical to the interests of the country.

Mr. McKELLAR. Mr. President, that question has been discussed so often in this body that it seems to me that if the Senator had been here he would have heard it.

Mr. PEPPER. Have the men done anything in the performance of their duties which, so far as they personally were concerned, was inconsistent with the security of the country, or anything of that kind?

Mr. McKELLAR. They have been examined by the so-called Kerr committee of the House. Their own testimony was taken. It comprised the principal part of the testimony taken by that committee. The men admitted that they had been members of a great many subversive organizations.

Mr. PEPPER. That is what I understand.

Mr. McKELLAR. They testified to that effect to such an extent that both the Dies committee and the Kerr committee strongly recommended to the House the action which the House subsequently took. Whether that testimony is true, I do not know.

I do not think the method adopted by the House is the proper way to handle the matter. However, if we want the bill passed so that worthy employees of the Government may receive their salaries, the only way to secure its passage is along these lines.

Mr. BONE. Will the Senator permit me to inquire about one matter?

Mr. PEPPER. I yield.

Mr. BONE. I should like to make an inquiry of the Senator from Tennessee.

Mr. McKELLAR. Certainly.

Mr. BONE. I have heard the expression employed that the funds under the bill we are considering were to be used to pay the salaries of employees. I am now advised by a Member of the Senate sitting near me that the bill contains funds only for certain increases allowed the employees.

Mr. McKELLAR. That is true.

Mr. BONE. And the employees will draw their regular salaries?

Mr. McKELLAR. They have been drawing the salaries, but not the increases which have been provided by law.

Mr. BONE. What I mean is that they are not going to starve to death?

Mr. McKELLAR. I do not know whether they are going to starve to death or not; I do not know them all, and I cannot say, but I know that \$143,000,000 is appropriated for them in this bill.

Mr. BONE. I am concerned with whether it affects the regular pay roll on July 1, the pay roll under which they

have been previously paid. We should get that clear in our minds, because there is an impression here that if the bill should be rejected they would not draw any salary at all, and I do not understand that to be the case. They would draw their regular salaries as of July 1. I may be in error about it.

Mr. McKELLAR. That has often been explained. Under the bill the three men in question will draw their regular salaries until November 15, and if the President reappoints them and the Senate confirms them, they will continue to draw their salaries regularly.

Mr. BONE. I am fearful the Senator has not gotten my question. As I understand, the bill contains an amount to make certain wage increases.

Mr. McKELLAR. That is correct.

Mr. BONE. It does not affect the regular salaries of the employees?

Mr. McKELLAR. That has been explained a dozen times.

Mr. BONE. Can the Senator tell me yes or no?

Mr. McKELLAR. That is absolutely true.

Mr. BONE. There are a number of Senators who have not understood it that way.

Mr. McKELLAR. It increases the salaries. I do not know how that could have been misunderstood.

Mr. BONE. But the argument has been made here today by Senators that if the conference report were rejected these men would not draw any salaries.

Mr. McKELLAR. Oh, no; I have not heard that.

Mr. BONE. Let us get it clear.

Mr. McKELLAR. I do not think any Senator who knows anything about the matter could have said that.

Mr. BONE. That is how obscure this whole matter is, because there are Senators sitting right around me who had that impression in their minds.

Mr. McKELLAR. They were entirely mistaken.

Mr. BONE. I wish to take the floor later in my own right.

Mr. MEAD. Will my distinguished friend from Florida yield to me for an observation?

Mr. PEPPER. I yield.

Mr. MEAD. The Senator from Florida asked a moment ago whether there was anything in the record that these men may have done anything inimical to the welfare of the United States. I wish to say that there is much in the history of these men which may not be in the record. One of them served in the Navy of the United States during World War No. 1, and another one lost his son at Belleau Wood. That should be in the Record. If that is subversive, we should have a lot of that particular type of subversiveness. One of them, as I stated, served in the Navy during World War No. 1, and another lost his son at Belleau Wood.

Mr. PEPPER. That is the kind of thing I wanted to refer to. The three men are being condemned and convicted not only without trial, but for something which they did not do personally which was inimical to the public interest, so far

as anyone has disclosed to my knowledge.

Mr. CLARK of Missouri. Will the Senator yield?

Mr. PEPPER. I yield.

Mr. CLARK of Missouri. When the first conference report was before the Senate I offered to yield my time to any Senator who could tell of his own knowledge anything about any of these three men, and no Senator accepted the challenge and the invitation. In other words, all we know about it is what we have been told by a subcommittee over in the House, and even the members of the full Committee on Appropriations in the House, when they inserted this provision in the bill, were not apprised of the record before the Kerr committee. I have been told that the other members of the full Committee on Appropriations were not even given access to the facts, yet we are asked to pass what amounts to a bill of attainder on the basis of what somebody else thinks on evidence we have not heard and about which we know nothing.

Mr. PEPPER. If I know anything that is supposed to be inherent in American character it is the principle of tolerance and decency and fair play. Because on hearsay evidence these men are supposed to have belonged to some kind of an organization, the greatest offense of which I suspect was that they favored the nationalistic government in Spain instead of the Fascist government, because they were merely reputed to be members and perhaps admitted membership in an organization which had that faith—as I did, and as many other Senators on this floor did—they are being condemned by the American Congress and kicked out of employment by the American Government.

Mr. President, what has become of tolerance in America? Are Senators going to ask what kind of organization a Senator or citizen belongs to when he has not personally done anything which makes him obnoxious as a citizen or as an elector?

I suspect that if Thomas Jefferson had been on the Federal pay roll he would have been condemned by the Dies committee and the Kerr committee as not only an atheist or agnostic, but as a Communist; yet he preached to America the spirit of tolerance, which has become ingrained in American character as a fundamental American characteristic.

We talk about the four freedoms, including freedom of the press, freedom of speech, and freedom of conscience, yet the Senate, which is called the greatest deliberative body in the world, is asked to condemn men without trial, not because of culpable conduct, but because of their affiliation with an organization which indicated their own philosophy and opinion.

Mr. President, the American Congress will be condemned before the world as intolerant and as believing in a kind of fascism which we profess to fight, if we allow ourselves to commit this kind of offense. It will give encouragement to a resurgence of all the old animosities which have stood for intolerance in this country from its inception.

Talking about democratic government, talking about the citadel of freedom, talking about the last stronghold of independence, are we to kick out of an agency three men, one of whom served his country in its uniform in a fight against tyranny a generation ago, and another gave his son to his country's cause, because they had opinions, and are we to say they are ineligible to hold office under the American Government?

Mr. President, that would do more harm than the \$71,000,000,000 appropriation we made here today could do good, because we would belie the essence of American character here in the heart of the Nation, in the Congress, if we committed ourselves to that kind of conduct.

The VICE PRESIDENT. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN voted in the negative when his name was called.

Mr. GREEN. Mr. President, I join heartily in the remarks of the last speaker, and much else that has been said this afternoon. It may seem anticlimax for me to raise the point I now wish to raise, but during the course of the discussion the fact gradually emerged that it is not a question of the Senate giving away to the President of the United States. The question arises whether the Senate is abandoning its rights to the House of Representatives. If the House of Representatives can by riders impose a condition such as that imposed in the bill now under discussion, it can impose any other condition, and the same appeal can be made.

Suppose they imposed the condition that none of this money should be available unless three Senators, the Senator from Tennessee, the Senator from New Mexico, and the Senator from Massachusetts, for example, should resign from the Senate. Would we hear these appeals to pass the bill because the fate of those three Senators would be of minor concern in comparison with the livelihood of hundreds of thousands of employees of the Government? There are principles involved which far outweigh the temporary interests of even a large number of employees, and one of the principles is, If Senators believe strongly in a principle, are they going to abandon it because the House of Representatives makes an unreasonable request that they shall abandon it?

Mr. MEAD. Mr. President, I do not really believe that the House has been unreasonable. I believe the Senate has been more or less unreasonable with the House. The House has adjourned and its Members have gone home to enjoy the evening with their families. The House has not yet been called upon, as I understand, to have a ye-and-nay vote on this particular measure.

Mr. GREEN. That is the very point I am coming to.

Mr. MEAD. I really believe we should invite the House to vote on the question at a convenient hour tomorrow. I believe the House, realizing the record of patience we have made, will, if given an op-

portunity, agree with us and settle this question without delay.

Mr. GREEN. That was the point I was coming to. A great deal has been said by the chairman of the Senate conferees and by some of his fellow conferees concerning how hard they have fought to sustain the position of the Senate. In spite of the three votes had in the Senate, the Senate conferees have returned, but never once, so far as I have learned, have they insisted or even requested the House conferees to go back to the House and ask for another vote on the question by the House. As the Senator from New York has just stated, who knows but that the House might recede from its position? We do not know that the matter was fully considered by the House when the measure was originally passed. In view of the fact that the wages of 100,000 employees, or whatever the number may be, hang in the balance, the House may recede, realizing that its demand is unreasonable, and that it cannot force this unreasonable condition on the Senate at the sacrifice of principle. I should really like to ask the Senator from Tennessee, who, as I understand, is the chairman of the Senate conferees, whether the Senate conferees have ever tried to insist that the House conferees take this matter back to the House?

Mr. McKELLAR. Of course, Mr. President, we have done so, and we were met with the flat refusal that the House conferees would not take it back to the House. The Senator from Rhode Island has served as a conferee in many conferences. I say to him or to any other Senator who thinks he can manage to bring the House to the terms of the Senate, that I should like to have him take my place. I will resign my place as a conferee instantly, and allow any Senator who thinks he can change the attitude of the House with respect to this matter, to make the attempt. I shall step out as a conferee immediately after the vote which is about to be taken, and let any Senator try it. If the Senate shall again reject the report nothing would give me more happiness than to see my good friend the Senator from Rhode Island as one of the conferees in opposition to the House position on this matter. I wish to say to him that in my judgment he would not have any better success than I have had.

Mr. GREEN. The Senator from Tennessee has not answered the point I made. It was not whether the conferees would withdraw from their position. It is whether the House conferees would refuse to take the question back to the House so it might vote on it.

Mr. McKELLAR. The Senate conferees have made such an attempt time and again.

Mr. GREEN. I think the Senate of the United States will have fallen quite low if it abandons a matter of principle—and by its vote I must assume that it regarded the question to be a matter of principle—merely because a group of conferees refuses to take a question back to the House. In other words, if the

small number represented by the conferees—not the House of Representatives itself, but the small number of Representatives appointed as conferees—is to be unreasonable and is to refuse to take the matter back to the House when it has been voted by the Senate three times, it seems to me we shall be groveling at the feet of the House of Representatives.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. GREEN. Not just yet. In a minute I shall yield. It seems to me we are lacking all sense of the proper dignity of this legislative body, supposed to be the greatest deliberative body in the world, if we fail to take the action I propose.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. PEPPER. I simply wish to ask the able Senator from Rhode Island if he does not think that the Senate conferees would adequately express the will of the Senate if they should merely notify the House Members that the Senate is going to stand pat with respect to this issue, and continue to do so.

Mr. GREEN. It seems to me that instead of now receding after three test votes, in which the Senate has reaffirmed its position, it would be better to send the conferees back with instructions to demand that this matter be taken back to the House of Representatives by the House conferees, and let us see what happens on another vote in the House.

Mr. McKELLAR. Mr. President, will the Senator yield now?

Mr. GREEN. I yield.

Mr. McKELLAR. If in the impending vote the conference report is voted down, as it has been voted down before, I shall ask unanimous consent of the Senate to be discharged as one of the conferees on the part of the Senate, and shall further ask unanimous consent that the Senator from Rhode Island [Mr. GREEN], who is on the Appropriations Committee, take my place and endeavor to induce the House to agree to vote on the matter.

Mr. BUCK. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BUCK. What will be the status of the three men if the conference report is agreed to?

Mr. McKELLAR. The three men will continue to be employed as they are now until November 15. If prior to that time the three men are reappointed to their positions by the President, and their nominations are sent to the Senate and confirmed, they will continue to serve. If the President should not send their names to the Senate, or if the Senate should fail to confirm their nominations after their names are sent to the Senate, then on November 15 their terms of office would expire.

Mr. BUCK. I thank the Senator.

SEVERAL SENATORS. Question.

Mr. GREEN. I should like to ask the Senator from Tennessee another question. I know that he will be glad to answer and illuminate any question.

Mr. McKELLAR. In my extremely tired condition after working day and night trying to secure the passage of various appropriation measures, I am afraid I cannot illuminate any question, but I shall be very glad to try to answer any question.

Mr. GREEN. Then I shall not trouble the Senator. I know that he has done much hard work, and I do not want him to understand from my remarks that I think he has not. If the parliamentary situation were such that I could do so, I should like to move to amend the pending motion, to the effect that the conferees be instructed to hold another conference and demand that this question be submitted to the House.

Mr. AIKEN. A parliamentary inquiry. The VICE PRESIDENT. The Senator will state it.

Mr. AIKEN. Am I recorded as having voted on this question?

The VICE PRESIDENT. The Senator is recorded as having voted.

Mr. McKELLAR. The Senator from Vermont has voted in the negative. I ask for the regular order.

Mr. BONE. Mr. President—

Mr. McKELLAR and Mr. BRIDGES asked for the regular order.

Mr. McKELLAR. Mr. President, I ask that the clerk be directed to continue to call the roll.

Mr. CHANDLER. Mr. President, I make a point of order.

The VICE PRESIDENT. The clerk will continue to call the roll.

Mr. CHANDLER. Mr. President, I make the point of order that the Chair announced that the Senator from Rhode Island was on his feet, and he was recognized, so even if the call of the roll had been begun, it was automatically vacated when the Chair recognized the Senator from Rhode Island. I make the point of order that the Senator from Rhode Island had the floor, and the matter is now open for discussion.

Mr. BONE. Mr. President—

The VICE PRESIDENT. The Chair recognizes the Senator from Washington.

Mr. BONE. One could not conceive of a more unfortunate time to accuse a person of an offense which reflected upon his patriotism and love of country than during a war. The Members of the Senate have before them certain vague charges, implications, innuendoes. As I stand here at my desk I am not aware of the nature of the charges against these three men, except that there have been most unfortunate connotations. If we remove these men from their positions we will bruit whatever these vague charges are and have been. They have been bruited all around both halls of Congress.

Mr. President, there is nothing more priceless than a man's good name. If we sustain the charges by removing the men, which is precisely what we shall do if we accept the conference report, we shall not only bring down upon them opprobrium and reproach, but we shall visit on their children and their grandchildren a terrible stigma which they will

never live down. A man who is worthy to be called a man is jealous of his honor. Imputations of dishonor have led to many unfortunate things in the world. I think we have had some unpleasant discussions because it has been said time after time that if the Senate does not agree to the conference report, thousands of employees will not have money with which to buy food. That is not true. The fact is that the bill provides for salary increases, but at the price of ruining the good names of three men. Their good names are their priceless possessions, which do not belong to us. No Member of the Senate would permit such a thing to be done to his own son. Every Member of the Senate would fight it until he fell dead on this floor, before he would ever let that be done to his own flesh and blood. Yet we would blithely do it to three of our citizens in order to assure the payment of an increase in salary to some employees, but at the price of the honor of those men.

I had hoped the Senator from New Mexico [Mr. CHAVEZ] would be in the Chamber at this time, because I desired to discuss with him one matter with relation to his remarks. In connection with his remarks about duties and obligations and what it means to visit punishment on others, let me call the Senate's attention to one little incident in American history, to be multiplied 100 times.

During the administration of Theodore Roosevelt a naturalized Greek by the name of Perdicardis was captured by a Moorish bandit by the name of Raisuli. Roosevelt sent a cablegram, "I want Perdicardis alive or Raisuli dead." He got Perdicardis alive; but if he had not gotten Perdicardis alive, there might have been a war. President Roosevelt might have caused the lives of hundreds of American boys to be sacrificed in order to defend the proposition that an American citizen had a right to go anywhere in the world and to maintain the freedom of his body.

In the days of the Roman Empire, a man who was a Roman citizen went with safety anywhere under the flag of Rome, under the imperial eagle of the Roman Empire. He was free. It meant something to him to be an independent and free citizen of Rome, and it meant something to him to have the rights and independence of his family and children preserved.

Mr. President, it means nothing to say that these men could be vindicated after we had besmirched their characters. A man is entitled to justice at the hands of the Senate. That is the attitude I take regarding the matter. I believe the problem is not complicated, but is elemental in its simplicity.

I will not vote to put the stamp of illegality, not only on a man, but on his children and his children's children, so that people will read it, and so that his children will never again be able to say, "My father was an honorable man who occupied an honorable position under the Stars and Stripes."

The Senate has no right to do that; and I, for one, am willing to forgo the

risk of not having increased pay go to certain employees, because to me it is more important to stand here and uphold the rights of men under freedom in America, and to prevent the sacrifice of the most important principle in the world, the principle for which our boys are dying now all over the world.

The VICE PRESIDENT. The question is on agreeing to the report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WAGNER (when his name was called). I have a general pair with the Senator from Kansas [Mr. REED]. I transfer that pair to the Senator from Utah [Mr. THOMAS], who, if present, would vote "nay." Therefore, I am at liberty to vote. I vote "nay."

Mr. CHANDLER (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. DAVIS]. I am advised that if he were present he would vote as I am about to vote. I vote "nay."

The roll call was concluded.

Mr. HILL. I announce that the Senator from Louisiana [Mr. ELLENDER] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Massachusetts [Mr. WALSH] is absent attending the funeral of his brother.

The Senator from Texas [Mr. CONNALLY] is a member of the special committee of the Senate attending a meeting of the Empire Parliamentary Association, at Ottawa, Canada, and is therefore necessarily absent.

The Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. CLARK] are detained on important public business.

The Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BYRD], the Senator from Rhode Island [Mr. GERRY], the Senator from Iowa [Mr. GILLETTE], the Senator from Arizona [Mr. HAYDEN], the Senator from Texas [Mr. O'DANIEL], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], and the Senator from Indiana [Mr. VAN NUYS] are necessarily absent. I am advised that if present and voting, the Senator from Florida [Mr. ANDREWS], the Senator from Virginia [Mr. BYRD], and the Senator from Maryland [Mr. TYDINGS] would vote "yea."

I further announce that the Senator from Texas [Mr. CONNALLY] has a general pair with the Senator from Vermont [Mr. AUSTIN].

Mr. McNARY. The Senator from Vermont [Mr. AUSTIN] and the Senator from Ohio [Mr. BURTON] are absent as members of the special committee of the Senate attending a meeting of the Canada branch of the Empire Parliamentary Association at Ottawa, Canada.

The Senator from New Jersey [Mr. BARBOUR] and the Senator from Idaho [Mr. THOMAS] are necessarily absent.

The Senator from South Dakota [Mr. BUSHFIELD] is absent on official business as a member of the Indian Affairs Committee.

The Senator from New Hampshire [Mr. TOBEY] and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from California [Mr. JOHNSON] is absent because of illness.

The Senator from Pennsylvania [Mr. DAVIS] has been called from the city on important business. If present, he would vote "nay."

The result was announced—yeas 32, nays 35, as follows:

YEAS—32

Ball	Gurney	Robertson
Bankhead	Hawkes	Russell
Brewster	Holman	Scrugham
Bridges	Johnson, Colo.	Stewart
Brooks	Lodge	Taft
Buck	McCarran	Thomas, Okla.
Capper	McClellan	Vandenberg
Caraway	McKellar	Wheeler
Chavez	McNary	Wherry
Eastland	Nye	White
George	Revercomb	

NAYS—35

Aiken	Hill	Murray
Barkley	Kilgore	O'Mahoney
Bone	La Follette	Overton
Butler	Langer	Pepper
Chandler	Lucas	Radcliffe
Clark, Mo.	McFarland	Shipstead
Danaher	Maloney	Truman
Downey	Maybank	Tunnell
Ferguson	Mead	Wagner
Green	Millikin	Wallgren
Guffey	Moore	Willis
Hatch	Murdock	

NOT VOTING—29

Andrews	Davis	Smith
Austin	Ellender	Thomas, Idaho
Bailey	Gerry	Thomas, Utah
Barbour	Gillette	Tobey
Bilbo	Glass	Tydings
Burton	Hayden	Van Nuys
Bushfield	Johnson, Calif.	Walsh
Byrd	O'Daniel	Wiley
Clark, Idaho	Reed	Wilson
Connally	Reynolds	

So the report was rejected.

Mr. McKELLAR. Mr. President, I ask unanimous consent to be excused from further service on the conference committee; and in that connection I also ask unanimous consent that my good friend the Senator from Rhode Island [Mr. GREEN] be appointed in my place.

Mr. BARKLEY. Mr. President, I hope the Senator from Tennessee is not serious in that request.

Mr. McKELLAR. I am very serious about it.

Mr. BARKLEY. I do not think the Senator ought to withdraw from the conference. I know what a hard job he has; but still, judging from the last roll call, he is making progress. [Laughter.]

Mr. McKELLAR. I am not making progress when I realize that the Senate pages will go off the pay roll on July 1. There is no money with which to pay them. There are 21 of them. They will go off the pay roll, as will the pages in the House, the school teachers of the District of Columbia, and thousands of other employees.

I feel that I have never done my duty any better than I have done it in connection with this matter. I have made every effort to secure the adoption of the conference report. The Senate has turned it down at least three times.

Under those circumstances, especially when my distinguished friend from Rhode Island says that he could have the House conferees and the House Members change their views, and that it could be easily managed if there were a proper representative of the Senate on the committee, I should be delighted if he would accept my place, and persuade the House to change its view at once.

I ask unanimous consent that that arrangement be made.

Mr. GREEN. Mr. President, when the Senator from Tennessee displays the vigor he does, and the happy phrasing of which he is capable, I know that the time has not yet arrived to replace him. As the Senator from Kentucky has pointed out, every time he brings back this report he makes progress. I hope that the next time it will be taken back to the House, and that progress can be made there. I do not believe that we could do better than to keep the same conferees, with the instruction—not necessarily formal, but informal—that the Senate conferees try to persuade the House conferees to take this measure back to the House.

Mr. CHAVEZ. Mr. President, I hope the Senator from Tennessee will remain on the conference committee. He is making progress. Eventually he will prevail.

Mr. McKELLAR. Mr. President, Senators are very kind. I have done everything a mortal man could do with the limitations which I have, not only to get this bill through but to get all other appropriation bills through by tomorrow night. I took a great deal of pride in that ambition. I shall be very much disappointed if this bill does not get through. But the Senate is determined about the matter. It has said so time and again, although each time a few more Senators voted for the conference report. Perhaps if more Senators would study it, there would be more votes in favor of it.

I am sorry for the page boys. I wish to tell them that I did everything I could for them, and for the boys over in the House, for the school teachers, the policemen, and thousands of other employees throughout the country, who not only will not receive any increase in salary, but will not receive their salaries. I am very sorry. I meant no harm in being persistent. I greatly regret that the Senate has not stood by the Senate conferees. Tomorrow I shall insist on some other Senator taking my place.

Mr. BARKLEY. Mr. President, I do not know that there is anything further to come before the Senate—

The PRESIDING OFFICER (Mr. Russell in the chair). The Chair has a message from the House of Representatives to lay before the Senate.

Mr. BARKLEY. Before the Chair lays the message before the Senate, let me say to the Senator from Tennessee and to the Senate that we all appreciate the hard work he has done. I especially appreciate it. I know how hard-working the Senator always is, and how interested he is in anything he undertakes.

This is not the first time that the two Houses have had difficulty over an appropriation bill. In my service I have seen many occasions when it was necessary to pass a continuing resolution in order to pay Government employees until an appropriation bill could be passed to pay their salaries out of the Treasury. These employees do not draw their pay until the 15th of the month. They are already provided for up until day after tomorrow. It does not seem to me impossible that the conferees of the two Houses may get together. I hope the Senator from Tennessee will not weary in what I am sure he thinks is well-doing. On the last vote he had almost a majority of the Senate. I hope the differences between the two Houses may be settled.

Mr. McKELLAR and Mr. MAYBANK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield, and if so to whom?

Mr. BARKLEY. I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, for the past 2 months I do not think there has been a single day that I have not worked 12 hours, largely on appropriation bills. I take pride in my work on the bills. I take pride in the magnificent help which I have received from the other members of the Committee on Appropriations. They have done a wonderful work under very great difficulties. The House sent over some of the bills a little later than usual, and that has made our work more difficult.

I have tried my best to be honest, fair, and just in every way. When my colleagues turn down a report of this kind, it makes me feel that perhaps I should not be a member of the Appropriations Committee.

Mr. BARKLEY. Mr. President, let me say to the Senator from Tennessee that I have been turned down in the Senate so many times that every time I see a defeat coming I merely back up to it. [Laughter.]

Mr. McKELLAR. I think the Senator makes a great mistake, as leader, in not standing by committees of the Senate when they make reports. I have always understood that it was one of the duties of the leader to stand by the majority of a committee.

Yesterday my distinguished friend announced at the very beginning that he would fight the conference report. He said that he did not know anything about it, and had not as yet examined into it; yet he made a powerful speech against members of the Appropriations Committee. He made me feel rather downhearted and weary.

When a bill is reported, either from a conference committee or from a Senate committee, I have always felt that unless there was something very unusual about it, or something to which Senators conscientiously objected, the committee should be given reasonable support. It certainly should not have the active and terrific opposition of the leader of the party which is undertaking to put these measures through. I have tried to act in the best of faith. I have tried not to lose my temper, and I do not

believe I have lost it at any time during this entire controversy. Again and again I have tried to attain certain results; but it seemed that the more I tried the more vigorous the opposition became. When the terrific opposition came today, with a strong speech from the majority leader, he certainly lined up a number of votes against the conference report. Otherwise I believe the conference report would have been agreed to earlier in the day.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. BARKLEY. No; I cannot yield now.

Mr. President, I cannot ignore the remarks of the Senator from Tennessee.

Mr. McKELLAR. I did not mean to reflect on the Senator.

Mr. BARKLEY. I understand that what the Senator said was in the utmost of kindness. However, when I rose yesterday I did not say that I did not know anything about the subject. In the last Congress the same question was brought before the Senate. Only two men were involved then, and not three. At that time I took the same position that I took yesterday and have taken today. I do not recall the position which was taken by the Senator from Tennessee in the last Congress.

Mr. McKELLAR. It was the same as that of the Senator from Kentucky. However, we were both overruled, and Mr. Lasser went out.

Mr. BARKLEY. I am not referring to Mr. Lasser. I am referring to Mr. Dodd and Mr. Watson, who were eliminated by the House in the last Congress. We made a fight in the Senate to defeat the provision affecting those two men, and we were successful. I took the same position then that I take now, that such a provision is unconstitutional. I have a deep and conscientious conviction upon the subject.

I appreciate the Senator's mild strictures concerning my opposition to the position of the committee. Frequently I am conscientiously in doubt about what attitude I should properly take with regard to bills reported by committees. I think I have frequently offended some of my colleagues, especially those on this side of the Chamber, by standing by committees sometimes when I might have been justified in voting against them. However, in a matter of this nature I must remember that I have taken an oath, as has every other Senator, to support and defend the Constitution of the United States. I do not think that I am required to stultify my own convictions on a constitutional question in order to stand by a committee.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McKELLAR. I wish to say with the utmost kindness that I do not think the Senator from Kentucky should blame himself too much for having stood by the Appropriations Committee of the Senate. As we all know, especially in the past few months, the Senator from Kentucky has not upheld the Committee on Appropriations.

Mr. BARKLEY. I have not kept books on the subject, but I do not recall any particular instances. I do not suppose that the fact that I am majority leader necessarily makes me an automaton, and therefore I am required to vote to support every committee report.

Mr. McKELLAR. Oh, no.

Mr. BARKLEY. I have often voted against my own committees when they have reported bills which I could not support.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. With all due respect to the Appropriations Committee, it seems to me that it is more important for the majority leader to stand by the Senate than to stand by the Appropriations Committee or any other minor segment of the Senate.

As one who has always been opposed to this type of legislation, I am very grateful for the support of the majority leader. I am glad that he returned to the Senate in time to render very valuable support in the last two or three defeats of the Appropriations Committee which have taken place.

I also suggest to the Senator from Tennessee that while the Senator from Kentucky was necessarily absent because of illness, the Senate, under its own steam, defeated the effort to include this provision in an appropriation bill by a conference report two or three times. As a matter of fact, we have actually lost ground since the Senator from Kentucky returned. We have not defeated the proposal by as great a margin since the Senator returned as we did while he was away. I do not believe it is fair for the Senator from Tennessee to upbraid the Senator from Kentucky.

Mr. BARKLEY. What the Senator has said is undoubtedly true. No longer than an hour ago I expressed the view that instead of the Senator from Tennessee chiding me he ought to thank me for my opposition, because he got more votes with my opposition than he got while I was absent.

Yesterday I rose and made the statement that I had been necessarily absent when the question was before the Senate on two previous occasions. On one occasion the Senate voted 69 to nothing to eliminate this provision. Had I been present the vote would have been 70 to nothing. On another occasion, when the conference report was defeated 52 to 17, I was still absent. Had I been present, my vote would have made it 53 to 17.

Having been absent and not having had an opportunity to vote or express myself on those two occasions, yesterday I felt that I ought to express my views. For many years I have had a deep and abiding conviction on this question. I do not ask any other Senator to vote against the conference report. I merely explain why I voted against it. The Senator from Tennessee flatters me when he says that my speech influenced the vote of any other Senator.

Mr. McKELLAR. The Senator from Kentucky and the Senator from Missouri are rather hard on themselves. I think the Senator from Kentucky certainly

defeated this measure twice today. If there is any satisfaction to be gained from defeating an appropriation bill of this kind, the Senator from Kentucky is entitled to a full measure of satisfaction for having defeated this worthy measure.

Mr. BARKLEY. If I obtained satisfaction from the defeat, the Senator from Tennessee should obtain satisfaction from a defeat by a smaller margin.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TUNNELL. I think perhaps the Senator from Kentucky has misunderstood the situation.

Mr. BARKLEY. I frequently do. [Laughter.]

Mr. TUNNELL. I listened to the Senator from Tennessee, and I thought that whatever reflection he might have made on any Senator was on the leader of the party which is trying to put this bill through. I did not think that he meant the Senator from Kentucky. I thought perhaps he was referring to the Senator from Oregon [Mr. McNARY].

Mr. BARKLEY. I would not attempt to elucidate or even illuminate that subject.

Mr. McKELLAR. I said the Senator from Kentucky [Mr. BARKLEY]. I did not mean the Senator from Oregon [Mr. McNARY] when I said the Senator from Kentucky.

Mr. BARKLEY. I hope the Senator from Oregon will join me in the hope that he and I do not become confused. [Laughter.]

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield, but I should like to conclude this discussion and make a motion for a recess.

Mr. CHAVEZ. I am in the mood to recess, but I hope the Senator from Oregon, the Senator from Kentucky, and the Senator from Tennessee will not become confused. I hope that the Senator from Tennessee, who is in charge of the bill, will stick it out. We are making progress. It will take a little time.

Mr. BARKLEY. I join in that hope.

SALE OF HORSE MEAT OR FOOD PRODUCTS IN THE DISTRICT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 832) relating to the sale of horse meat or food products thereof in the District of Columbia, which was, on page 2, to strike out all of section 3, and insert:

SEC. 3. The health officer of the District of Columbia, subject to the approval of the Commissioners of the District of Columbia, is authorized to make such regulations as may be necessary to carry out the purposes of this act.

Mr. BRIDGES. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. Russell in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. THOMAS, of Utah, from the Committee on Education and Labor:

John M. Houston, of Kansas, to be a member of the National Labor Relations Board for the term of 5 years from August 27, 1943 (reappointment).

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will proceed to state the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of James B. M. McNally to be United States attorney for the southern district of New York.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Joseph T. Votava to be United States attorney for the district of Nebraska.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Horace Friertson to be United States attorney for the middle district of Tennessee.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of George E. Proudfit to be United States marshal for the district of Nebraska.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Reuben Gosnell to be United States marshal for the western district of South Carolina.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

WAR MANPOWER COMMISSION

The legislative clerk proceeded to read sundry nominations in the War Manpower Commission.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. I ask unanimous consent that the President be immediately notified of all confirmations of today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until tomorrow at 11 o'clock a. m.

The motion was agreed to; and (at 7 o'clock and 32 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, June 30, 1943, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 29 (legislative day of May 24), 1943:

DIPLOMATIC AND FOREIGN SERVICE

John S. Service, of Ohio, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

Armond W. Scott, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia. (He is now serving in this post under an appointment which expires July 14, 1943.)

Thomas D. Quinn, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia, vice Hobart Newman, whose term expires August 21, 1943.

WAR MANPOWER COMMISSION

Richard J. Cullen, from the State of New York, to be senior manpower utilization consultant, at \$4,600 per annum, in the New York regional office.

Huxley Madeheim, from the State of New York, to be senior manpower utilization consultant, at \$4,600 per annum, in the New York regional office.

George C. Chesney, from the District of Columbia, to be head industrial consultant in the Bureau of Manpower Utilization, at \$6,500 per annum, in the Washington office.

Ernest L. Marbury, from the State of Alabama, to be deputy regional manpower director, at \$6,500 per annum, in the Alabama State office.

Joseph S. Dorton, from the State of North Carolina (previously confirmed for the position of area director at \$4,600 per annum), to be deputy regional manpower director, at \$5,600 per annum, in the North Carolina State office.

Glenn L. Bobbitt, from the State of North Carolina, to be area chief of training, at \$4,600 per annum, in the Raleigh area office.

Leo H. Carney, from the State of Pennsylvania, to be area director, at \$4,600 per annum, in the Erie area office.

Harold S. Woodley, from the State of Michigan, to be area director, at \$4,600 per annum, in the Battle Creek, area office.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

TO ADJUTANT GENERAL'S DEPARTMENT

Lt. Col. Don Elwood Lowry, Quartermaster Corps (temporary colonel), with rank from September 4, 1942.

TO QUARTERMASTER CORPS

Maj. Wilson Turner Douglas, Infantry (temporary colonel), with rank from June 12, 1943.

TO FINANCE DEPARTMENT

Capt. Curtis Alan Schrader, Field Artillery (temporary lieutenant colonel), with rank from June 10, 1942.

URGENT DEFICIENCY APPROPRIATION BILL, 1943

JUNE 29, 1943.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

MR. CANNON of Missouri, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 2714]

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment numbered 5, and agree to the same; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

Restore the matter stricken out by such amendment, amended to read as follows:

SEC. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this Act, or (2) which is now, or which is hereafter made, available under or pursuant to any other Act, to any department, agency, or instrumentality of the United States, shall be used, after November 15, 1943, to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Junior, and Robert Morss Lovett, unless prior to such date such person has been appointed by the President, by and with the advice and

consent of the Senate: Provided, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to November 15, 1943: Provided further, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States nor any benefit, pension, or emolument resulting therefrom.

And the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 61.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,

Managers on the part of the House.

KENNETH MCKELLAR,
MILLARD E. TYDINGS,
GERALD P. NYE,
H. C. LODGE, Jr.,

Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on Senate amendments numbered 5, 60, and 61 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

No. 5: The original House bill carries provision extending until June 30, 1944, the unexpended balance in the President's emergency fund on June 30, 1943. To this provision the House added a prohibition on the use of the fund for making allocations to the National Resources Planning Board and the Farm Security Administration. The Senate struck out this provision and inserted language of a general character restricting the use of the fund. The House adopted the Senate proposed language modified so as to make exemptions for the Army, Navy, State Department, and Office of Strategic Services but left the Senate language applicable to all other Federal agencies. The Senate accepted the House modification of the Senate language but added a further exception for the Federal Bureau of Investigation. The conference agreement omits the original House amendment relating to the National Resources Planning Board and the Farm Security Administration, but retains the proposed Senate language as modified by the House and later modified by the Senate to except the Federal Bureau of Investigation.

No. 60: The House bill, by section 304, contains a prohibition on the use of any Federal funds, after the date of the enactment of the bill, for continuing in Federal employment Goodwin B. Watson, William E. Dodd, Jr., and Robert Morss Lovett. The Senate struck out this section. The conference agreement restores the section modified so as to prohibit the use of Federal funds for their employment after November 15, 1943, unless such persons, prior to that date, have been appointed by the President by and with the advice and consent of the Senate.

No. 61: Corrects a section number; the amendment is reported in disagreement. The House managers will move to recede and concur in the Senate amendment with an amendment correcting the section number and inserting a paragraph to make appropriations in the bill, or portions of appropriations, available for obligation in the fiscal year 1944, retroactive to July 1, 1943.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,

Managers on the part of the House.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 2968) was read the third time and passed.

Mr. McKELLAR. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. NYE, Mr. LODGE, and Mr. HOLMAN conferees on the part of the Senate.

URGENT DEFICIENCY APPROPRIATIONS

Mr. McKELLAR. Mr. President, this afternoon the House sent a message over asking for a conference on House bill 2714. I shall not discuss it, but ask that it be laid before the Senate.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 2714, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
June 30, 1943.

Resolved, That the House still further insist upon its disagreement to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 5 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes; and

That the House still further insist upon its disagreement to the amendments of the Senate numbered 60 and 61 to said bill and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McKELLAR. I move that the Senate still further insist on its amend-

ments numbered 5, 60, and 61, agree to the still further conference asked by the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint as conferees on the part of the Senate, the same conferees who served previously on this bill.

The motion was agreed to; and the presiding officer appointed Mr. McKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. NYE, and Mr. LODGE conferees on the part of the Senate at the still further conference.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry officers for promotion and several midshipmen for appointment as ensigns, all in the Navy.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDING OFFICER (Mr. LUCAS in the chair). If there be no further reports of committees, the clerk will proceed to state the nominations on the Executive Calendar.

NATIONAL LABOR RELATIONS BOARD— JOHN M. HOUSTON

The legislative clerk read the nomination of John M. Houston to be a member of the National Labor Relations Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the postmaster nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

Mr. BARKLEY. I ask that the President be notified of all nominations confirmed this day.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 8 o'clock and 13 minutes p. m.) the Senate took a recess until Thursday, July 1, 1943, at 12 meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 30 (legislative day of May 24), 1943:

NATIONAL LABOR RELATIONS BOARD

John M. Houston to be a member of the National Labor Relations Board for the term of 5 years from August 27, 1943.

POSTMASTERS

ALABAMA

Virginia V. Tucker, Helena.
William B. Mims, Phenix City.

ARKANSAS

Don H. Stalls, Turrell.

CALIFORNIA

Victor F. Vieira, Esparto.

MINNESOTA

James M. McGuire, Rush City.

House of Representatives

WEDNESDAY, JUNE 30, 1943

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our Father, source of every joy and the inspiration of every earth-born hope, well may Thy praise our lips employ; we bless Thee that our lives are so mercifully preserved and still hold the freshness of Thy love. We rejoice that this is our Father's world; life, deep and boundless, is ours and the wings of the morning are not strong enough to carry us away from the sheltering care of the Good Shepherd.

This day, interpret to us again the ways of righteousness and truth, making us aware of our mastery over human life and destiny. In every situation help us to show moral self-control with a very deep sense of our trusteeship. Thou who art the Ancient of Days, who led our fathers to summits of faith and assurance, lead us on, feeling the supreme obligation that we owe this generation. Almighty God, amid the strife and confusion among men, let Thy light, which has never been extinguished, shine forth like a beacon from a promising morning. Kindle in all eager, passionate hearts an invincible desire to subdue all discords, to unite against antagonisms within and military vandalism without. Grant that we may seek eagerly the blessing of Him who bade us love mercy, deal justly, and to walk humbly with God, the Father of us all. In our Saviour's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 2520. An act to amend the act entitled "An act to facilitate the construction, extension, or completion of interstate petroleum pipe lines related to national defense, and to promote interstate commerce," approved July 30, 1941.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 2935. An act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies for the fiscal year ending June 30, 1944, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference

with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCARRAN, Mr. McKELLAR, Mr. RUSSELL, Mr. BANKHEAD, Mr. TRUMAN, Mr. LODGE, Mr. WHITE, and Mr. REED to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1109. An act to increase by \$400,000,000 the amount authorized to be appropriated for defense housing under the act of October 14, 1940, as amended, and for other purposes.

The message also announced that the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) entitled "An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2536) entitled "An act to amend the act entitled 'An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment,' approved June 2, 1920, as amended, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 495) entitled "An act to establish a Women's Army Auxiliary Corps for service in the Army of the United States."

DEPARTMENT OF LABOR, FEDERAL SECURITY AGENCY APPROPRIATION BILL, 1944

Mr. HARE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2935) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1944, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. HARE, TARVER, THOMAS of Texas, ANDERSON of New Mex-

ico, ENGEL, KEEFE, and H. CARL ANDERSEN.

COMMITTEE ON THE PUBLIC LANDS

Mr. WHITE. Mr. Speaker, by direction of the Committee on the Public Lands, I ask unanimous consent that that committee be permitted to sit during the course of the general debate today.

The SPEAKER. If there is general debate.

Is there objection to the request of the gentleman from Idaho?

Mr. McCORMACK. Reserving the right to object, Mr. Speaker, may I suggest that the gentleman from Idaho confine his request to general debate on the Lanham bill, because conference reports may be considered, and, of course, we would not want any committee to be sitting during the consideration of conference reports.

Mr. WHITE. I may say that the Committee on the Public Lands is very vigilant in responding to all calls of the House. If this request is granted, I can assure the Speaker that the members of the committee will be here.

Mr. McCORMACK. The Speaker has stated before, and I agree with him, that committees should not seek permission to sit while a bill is being considered under the 5-minute rule in the House. If the gentleman's request covers permission to sit during the general debate on the Lanham bill, which would include the debate on the rule, that is one thing, but permission to sit while a conference report is under consideration is an entirely different proposition.

Mr. WHITE. I am in full agreement with the gentleman's suggestion.

The SPEAKER. Does the gentleman modify his request and ask unanimous consent that the committee be allowed to sit during the general debate on the Lanham bill?

Mr. WHITE. I do, Mr. Speaker.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman tell the House what bill the committee has under consideration?

Mr. WHITE. The Committee on the Public Lands is holding hearings on the Elk Hills Naval Oil Reserve contract.

Mr. MARTIN of Massachusetts. It merits inquiry, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

EXTENSION OF REMARKS

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to extend my own

on account of any military personnel within continental United States who engage in decorative art projects or painting portraits to the exclusion of regular military duties"; and the Senate agree to the same.

J. BUELL SNYDER,
JOE STARNES,
JOHN H. KERR,
GEORGE MAHON,
D. LANE POWERS,
ALBERT J. ENGEL,
FRANCIS CASE,

Managers on the part of the House.

ELMER THOMAS,
CARL HAYDEN,
JOHN H. OVERTON,
RICHARD B. RUSSELL,
ROBERT R. REYNOLDS,
STYLES BRIDGES,
H. C. LODGE, JR.,
CHAN GURNEY,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2996) making appropriations for the Military Establishment for the fiscal year ending June 30, 1944, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1: Restores the provision proposed by the House, including the Defense Plant Corporation and the Defense Supplies Corporation within the provisions of the law relative to the renegotiation of contracts, amended to include the Metals Reserve Company and the Rubber Reserve Company.

Amendment No. 2: Restores the limitation proposed by the House barring the use of appropriations contained in the bill for or on account of any person in a civilian status listed as a conscientious objector, rephrased and amended so as to cover costs incident to such liquidation as may be necessary.

Amendment No. 3: Restores the limitation proposed by the House barring the use of appropriations contained in the bill for painting war scenes or portraits, or for decorative art projects, amended to extend the effective date to August 31, 1943.

Amendment No. 4: Strikes out, as proposed by the Senate, the limitation proposed by the House barring expenditures for educating persons in medicine (including veterinary) or dentistry except for two years preceding completion of such education.

Amendments Nos. 5 and 6: Makes the provisions and appropriations in the bill effective from and including July 1, 1943, as proposed by the Senate.

J. BUELL SNYDER,
JOE STARNES,
JOHN H. KERR,
GEORGE MAHON,
D. LANE POWERS,
ALBERT J. ENGEL,
FRANCIS CASE,

Managers on the part of the House.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill (H. R. 2996) making appropriations for the Military Establishment for the fiscal year ending June 30, 1944, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent that the statement of

the managers be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

Mr. SNYDER. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

URGENT DEFICIENCY BILL—CONFERENCE REPORT

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. CANNON].

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider the Senate amendments to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Senate amendment to the House amendment to the Senate amendment numbered 5: Page 3, line 6, at the end of the matter inserted by the House amendment after the word "services" insert a comma and the following: "or the Federal Bureau of Investigation."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment to the House amendment to the Senate amendment numbered 5.

The SPEAKER. The gentleman from Missouri moves that the House further insist on its disagreement to the Senate amendment to the House amendment to the Senate amendment numbered 5.

The question is on the motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

Mr. CANNON of Missouri. Mr. Speaker, I ask that Senate amendments numbered 60 and 61 be considered together.

The SPEAKER. The gentleman from Missouri asks unanimous consent that Senate amendments numbered 60 and 61 be considered together. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report Senate amendments numbered 60 and 61.

The Clerk read as follows:

Amendment numbered 60: Page 48, line 19, strike out lines 19 to 25, and on page 48 strike out lines 1 to 9, inclusive.

Amendment numbered 61: On page 49, line 10, strike out "305" and insert "304."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House further insist on its disagreement to the amendments of the Senate numbered 60 and 61.

The SPEAKER. The gentleman from Missouri moves that the House further insists on its disagreement to the

amendments of the Senate numbered 60 and 61.

Mr. MARCANTONIO. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. MARCANTONIO moves to recede and concur in Senate amendments numbered 60 and 61.

The SPEAKER. The gentleman from Missouri [Mr. CANNON] is recognized.

Mr. CANNON of Missouri. I shall take 1 minute, yield 1 minute to the gentleman from New York [Mr. TABER], and 1 minute to the gentleman from New York [Mr. MARCANTONIO].

The SPEAKER. The gentleman from Missouri is recognized for 1 minute.

Mr. CANNON of Missouri. Mr. Speaker, this is a final effort to reach agreement with the Senate on the urgent deficiency bill, carrying appropriations for the payment of employees of all governmental agencies with the exception of the Army and Navy, by reaffirming the determination of the House to insist on its disagreement to Senate amendment No. 60. This amendment, Senate amendment No. 60, is the much-discussed amendment eliminating the House provision denying use of any money appropriated in this or other bills for the payment of salaries of the three Federal employees charged with subversive affiliations.

The preferential motion of the gentleman from New York [Mr. MARCANTONIO] that the House recede from its disagreement to amendment No. 60 and agree to the same would mean the abandonment by the House not only of its proposal to deny money for the salaries of these three men but would establish a far-reaching precedent involving the relinquishment of the right to deny money for the salary of any employee appointed by the executive branch of the Government and would be, to that extent, a limitation upon the right of the House to initiate legislation denying money for any purpose, and the right—to that extent—to control the purse strings of the Nation. It is too serious a matter to be thus lightly determined on a motion to recede and concur.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Speaker, we discussed this amendment on two other occasions, but this is the first time that we have an opportunity to vote on the proposition squarely, that is, whether or not we want to eliminate this prohibition against the payment of salaries to these three Government employees. As I stated yesterday, this issue is very fundamental. It is a constitutional issue, it is an issue that goes to the very heart of democratic government, it is an issue that involves the anti-Fascist character of this war. I believe the House has made a serious mistake. The overwhelming majority of Americans believe that you have made a serious mistake. This is the time to correct it and I hope the Members will support my motion.

Mr. CANNON of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this is the Kerr amendment to eliminate three men from the pay roll. They are not discharged, and the operation is clearly within the constitutional prerogatives of the House of Representatives.

I hope the House will vote against the motion to recede and concur in the Senate amendment which eliminates the Kerr amendment, which was placed upon this bill when it was before the House. I think we should have a roll call on it so that everyone may have an opportunity of expressing his sentiments at this time.

Mr. CANNON of Missouri. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. MARCANTONIO] to recede and concur.

Mr. CANNON of Missouri. On that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 71, nays 301, not voting 59, as follows:

[Roll No. 118]

YEAS—71

Bender	Hale	Miller, Mo.
Bloom	Harless, Ariz.	Murdock
Burchill, N. Y.	Hart	Myers
Burdick	Hays	Norton
Celler	Heffernan	O'Brien, Mich.
Coffee	Herter	O'Connor
Cooley	Hobbs	O'Konski
Crosser	Hull	Outland
Cullen	Jackson	Pfeifer
Dawson	Kean	Ramey
Delaney	Kee	Robinson, Utah.
Dickstein	Kefauver	Rogers, Calif.
Dillweg	Kelley	Rowan
Ellison, Md.	Keogh	Sabath
Feighan	Kirwan	Sadowski
Fogarty	Klein	Smith, Maine
Folger	LaFollette	Smith, W. Va.
Forand	Lemke	Stearns, N. H.
Fulbright	Lynch	Voornhis, Calif.
Gale	McGranery	Weiss
Gavagan	McMurray	Wene
Gordon	Magnuson	Willey
Gorski	Mansfield,	
Granger	Mont.	
Hagen	Marcantonio	

NAYS—301

Abernethy	Busbey	Ditter
Allen, La.	Butler	Domengeaux
Andersen,	Camp	Dondero
H. Carl	Canfield	Doughton
Anderson, Calif.	Cannon, Fla.	Douglas
Anderson,	Cannon, Mo.	Drewry
N. Mex.	Carlson, Kans.	Durham
Andresen,	Carlson, Ohio	Dworshak
August H.	Carter	Eberharther
Andrews	Case	Elliott
Angell	Chenoweth	Ellis
Arends	Chiperfield	Ellsworth
Arnold	Church	Elmer
Auchincloss	Clark	Elston, Ohio
Baldwin, Md.	Clason	Engel
Barrett	Clevenger	Fellows
Barry	Cole, Mo.	Fenton
Bates, Mass.	Cole, N. Y.	Fish
Beall	Colmer	Fisher
Beckworth	Compton	Flannagan
Beil	Cooper	Gamble
Bennett, Mich.	Costello	Gathings
Bennett, Mo.	Courtney	Gavin
Bishop	Cox	Gearhart
Blackney	Cravens	Gerlach
Bland	Crawford	Gibson
Bolton	Creal	Gifford
Bonner	Cunningham	Gilchrist
Boren	Curley	Gillette
Boykin	Curtis	Gillie
Bradley, Pa.	D'Alesandro	Goodwin
Brehm	Davis	Gore
Brown, Ga.	Day	Gossett
Brown, Ohio	Dewey	Graham
Bryson	Dies	Grant, Ala.
Buffett	Dirksen	Grant, Ind.
Burch, Va.	Disney	Gregory

Griffiths	McKenzie	Sauthoff
Gross	McLean	Schuetz
Gwynne	McMillan	Schwabe
Halleck	McWilliams	Scott
Hancock	Maas	Shafer
Hare	Madden	Short
Harness, Ind.	Mahon	Sikes
Harris, Ark.	Maloney	Simpson, Ill.
Harris, Va.	Manasco	Simpson, Pa.
Heldinger	Martin, Iowa	Slaughter
Hendricks	Martin, Mass.	Smith, Ohio
Hess	Mason	Smith, Va.
Hill	Merrow	Smith, Wis.
Hinshaw	Michener	Snyder
Hoch	Miller, Conn.	Sparkman
Hoeven	Miller, Nebr.	Spence
Hoffman	Miller, Pa.	Springer
Holmes, Mass.	Mills	Stanley
Holmes, Wash.	Monkiewicz	Starnes, Ala.
Hope	Monroney	Steagall
Horan	Mott	Stefan
Howell	Mruk	Stevenson
Jarman	Mundt	Stewart
Jeffrey	Murphy	Stockman
Jenkins	Murray, Tenn.	Sullivan
Jennings	Murray, Wis.	Sumner, Ill.
Jensen	Newsome	Summers, Tex.
Johnson,	Nichols	Sundstrom
Anton J.	Norman	Taber
Johnson,	Norrell	Talbot
Calvin D.	O'Brien, Ill.	Talle
Johnson, Ind.	O'Brien, N. Y.	Tarver
Johnson,	O'Neal	Taylor
J. Leroy	Pace	Thomas, N. J.
Johnson,	Patman	Thomas, Tex.
Luther A.	Patton	Thomason
Johnson,	Peterson, Fla.	Tibbott
Lyndon B.	Peterson, Ga.	Towe
Johnson, Okla.	Philbin	Troutman
Jones	Pittenger	Vincent, Ky.
Jonkman	Ploeser	Vorys, Ohio
Judd	Poage	Vursell
Kearney	Poulson	Wadsworth
Keefe	Powers	Walter
Kennedy	Pracht	Ward
Kerr	Price	Wasielewski
Kilday	Priest	Weaver
Kinzer	Rabaut	Welchel, Ohio
Kleberg	Ramspeck	West
Knutson	Randolph	Welchel, Ga.
Kunkel	Rankin	White
Lambertson	Reece, Tenn.	Whitten
Landls	Reed, Ill.	Whittington
Lane	Reed, N. Y.	Wickersham
Lanham	Rees, Kans.	Wigglesworth
Larcade	Richards	Wilson
Lea	Rizley	Winstead
LeCompte	Robertson	Winter
LeFevre	Robison, Ky.	Wolcott
Lewis	Rockwell	Wolfenden, Pa.
Ludlow	Rodgers, Pa.	Wolverton, N. J.
McCord	Rogers, Mass.	Woodruff, Mich.
McCormack	Rohrbough	Woodrum, Va.
McCowan	Rowe	Worley
McGehee	Sasser	Wright
McGregor	Satterfield	Zimmerman

NOT VOTING—59

Allen, Ill.	Furlong	O'Hara
Baldwin, N. Y.	Gallagher	O'Leary
Barden	Green	O'Toole
Bates, Ky.	Hall,	Phillips
Bradley, Mich.	Edwin Arthur	Plumley
Brooks	Hall,	Rivers
Buckley	Leonard W.	Rolph
Bulwinkle	Hartley	Russell
Burgin	Hébert	Scanlon
Byrne	Holifield	Schiffler
Capozzoli	Izac	Sheppard
Chapman	Johnson, Ward	Sheridan
Cochran	Kilburn	Somers, N. Y.
Culkin	King	Tolan
Dingell	Lesinski	Treadway
Eaton	Luce	Van Zandt
Fay	Mansfield, Tex.	Vinson, Ga.
Fernandez	May	Welch
Fitzpatrick	Merritt	Wheat
Ford	Morrison, La.	
Fulmer	Morrison, N. C.	

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Baldwin of New York for, with Mr. Vinson of Georgia against.
 Mr. Fitzpatrick for, with Mr. Eaton against.
 Mr. Ford for, with Mr. Lesinski against.
 Mr. Merritt for, with Mr. Treadway against.
 Mr. Fay for, with Mr. Phillips against.
 Mr. Buckley for, with Mr. Kilburn against.
 Mr. Byrne for, with Mr. Edwin Arthur Hall against.

Mr. Capozzoli for, with Mr. Allen of Illinois against.

Mr. O'Toole for, with Mr. Hartley against.
 Mr. Somers of New York for, with Mr. Leonard W. Hall against.

General pairs:

Mr. Rivers with Mr. Wheat.
 Mr. Holifield with Mr. Ward Johnson.
 Mr. King with Mr. Gallagher.
 Mr. Cochran with Mr. Bradley of Michigan.
 Mr. Izac with Mr. Culkin.
 Mr. Morrison of Louisiana with Mrs. Luce.
 Mr. Sheppard with Mr. O'Hara.
 Mr. Tolan with Mr. Rolph.
 Mr. Bates of Kentucky with Mr. Van Zandt.
 Mr. May with Mr. Welch.
 Mr. Chapman with Mr. Schiffler.
 Mr. Hébert with Mr. Plumley.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the motion offered by the gentleman from Missouri [Mr. CANNON].

The motion was agreed to.

Mr. WOODRUM of Virginia. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment and ask for a conference with the Senate, and on that I desire recognition.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendment of the House to the bill (S. 1134) entitled "An act to provide for emergency flood-control work made necessary by recent floods, and for other purposes"; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. OVERTON, Mr. CLARK of Missouri, and Mr. McNARY to be the conferees on the part of the Senate.

EMERGENCY FLOOD CONTROL BILL

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 1134, the emergency flood-control bill, insist upon the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. WHITTINGTON].

There was no objection, and the Speaker appointed the following conferees on the part of the House: Messrs. WHITTINGTON, ALLEN of Louisiana, ELLIOTT, CLASON, and CURTIS.

URGENT DEFICIENCY BILL—CONFERENCE REPORT

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 15 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. NICHOLS].

There was no objection.

Mr. NICHOLS. Mr. Speaker, the privilege of service in this House is one that comes to but few people in the country. Five times I have been elected to serve in this body. For 8½ years now it has been my pleasure to be among you. No one could appreciate this honor and

this distinction more than I do. The task I have assigned myself today is a heart-breaking one.

Mr. Speaker, I have asked for this time in order to advise you that I have resigned my seat in the House of Representatives, effective July 3, 1943.

In taking my leave of you, I want to thank you all for your courtesies and kindnesses to me, which have been far beyond my deserts. No matter what fate may hold in store for me, the years spent in this Chamber and the friends that I have made here shall always be a treasured possession.

I never had a more difficult task to perform than this one. Even now I hesitate and pause.

I arrived at my decision to take up this new line of endeavor only after long and sober consideration.

If I felt I could best serve by remaining here, I would do so, no matter how great the sacrifice to myself. However, my temperament I am eager for action, and since the pattern for victory has been pretty well shaped, I feel that I can best serve by passing on to this new field of endeavor.

My new position with the aviation industry will deal with the promotion of American civil aviation to a world-wide factor. This is most important, since we expect the aviation industry to not only furnish employment for a great number of servicemen when they return, but also to be a factor in maintenance of world peace and the promotion of world commerce in the better years that will follow the war.

Full well I realize the weight of the cares and duties which the Members of this body carry, and I do not intend to depreciate in any degree the important work that must be carried on here. The problems which this House will face in the next few years are such as to require weeks and months of close application and study. A balancing and weighing of different proposals and methods, patience and determination, and ability to bear up under the unfortunate and unfair attacks of unlearned critics.

Never shall I cease to be grateful to my colleagues for the liberal education which they have given me. The defeats and victories which I have passed through in this chamber have sharpened my wits, elevated my vision, tempered my ambition and shown me the error of some of my ways. Your debates have inspired me with love of country, your counsels have given me new insight into the hearts of men and your friendship has shown me the real meaning of that word.

I leave the House of Representatives with the firm conviction that it is the real rock of democracy in the Nation. Here are the real representatives of the people. The members of this body are on the job every day. They represent changes in the opinion of the people better than a Gallup poll. The House knows what the people feel, and the action of the House reflects the views and wishes of the people.

The other body of the Congress may make decisions of more wisdom and based upon calmer reflection, and sheltered from the hurricanes of passion—

but this House is the real and authentic voice of the people. As long as the House stands, with its authority unchallenged, the people have a champion; the people cannot be oppressed.

Yours is a great responsibility. It is you, if every other agency of Government fails, who must finally preserve our American institutions, and safeguard free enterprise.

If I could leave behind me one warning or one suggestion for a simple prescription which would best guarantee these things, it would be:

Never to permit to die the two-party system. I think that nothing more disastrous could happen to this Nation than that the two great parties of this country be amalgamated into one. If there is any one thing more important than an honorable, intelligent, fearless, majority, it is a healthy, well-informed, vigorous minority. Only by the preservation of this system can we be sure that dictatorship shall never overtake us.

It is proper that everyone should have the right to criticize individuals in Government, be they in the executive, judicial, or legislative branch of the Government.

But no one should be heard to criticize any of these as an institution.

Therefore, no one in this body should ever stand idly by and hear the Congress of the United States maligned as an institution.

You must know there is a group in this country who are exerting diligent effort to discredit and, if possible, destroy the Congress of the United States.

Always, wherever I may roam, it will be my pleasure and privilege to defend the House of Representatives and its Members from attack and vilification.

Among my fondest recollections will ever be my association with the three great Speakers of the House under whom I served. Joe Byrnes gave me my first lessons in parliamentary procedure and the traditions and history of the House. He was a friend and a kindly and tolerant teacher. Will Bankhead continued my training and encouraged me to express my opinions freely. Then he showed me how to cloth these opinions so they would be more attractive. He helped me as he did many others in his patient and kindly way. Then came my service under the gentleman from Texas, SAM RAYBURN, our present Speaker, who has been a model to us all in the statesmanlike manner in which he has borne the burdens incident to the greatest war in history. Never too busy, despite the tremendous cares of his office, to take time for personal consultation with any of us—knowing and understanding our problems as Members of the House, as well as the problems confronting the Chief Executive and the other departments of Government in this hour of peril—I think it is not too much to say that the gentleman from Texas, SAM RAYBURN, has proved himself to be one of the outstanding men of our generation. And his stature increases with each added responsibility and each passing day, as America in this time of world turmoil and strife proves that our

form of government is best in war as it is most beneficial in peace.

In the years to come, if it should again be my duty to perform public service, I hope that this call will bring me back to this House. I am certain should I return here as a Member in the years to come, there would be many changes. But should I ever return, I am also sure that I would find many friends here, for among you are some of the truest and best friends that I have ever had. Among you are the greatest statesmen of the Republic—leaders who will carry America forward to a new height of glory in the days when peace shall come again.

So I bid you adieu as a colleague. I now become one of your constituents. Tax me, regulate me—yes—even investigate me, as you wish. I know you and trust you. Should my services ever be needed to help our country, I am at your command.

Finally, my friends, I leave you with this pledge: I pledge you that I shall never knowingly do anything which will give you cause to regret the trust and the confidence you have reposed in me.

Now, good-bye, and God keep you.

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, it is with a feeling of genuine regret that I learn of JACK NICHOLS' resignation from the National House of Representatives. Our distinguished colleague the gentleman from Oklahoma [Mr. NICHOLS], as we refer to him under the rules, although we can shortly refer to him as JACK NICHOLS even under the rules, came here in 1935 and was a Member of the Seventy-fourth Congress. Prior to his election to Congress he had a wide and varied career as a lawyer and businessman. He came to the Congress admirably equipped to perform his duties.

His sound judgment, his dynamic force, his diligence to duty, and his indomitable courage quickly made him an outstanding Member of this House. He has championed great and liberal legislation, which shall endure and stand the test of time.

As chairman of a select committee of the House of Representatives to investigate civil and commercial aviation, he has made a notable contribution to American aviation. He has long been interested in aviation and has avidly studied all its phases. He leaves us to occupy an important position in this new industry which shall have such an important bearing on America's future.

His many friends in the House join with me in wishing him Godspeed in his chosen field of endeavor. We knew him as a kindly, warm-hearted, at times impulsive, almost overgenerous friend, as well as a notable statesman. He was always loyal to any cause he espoused. He was loyal to his friends.

We deeply regret his departure and hope that the future holds for him all the good fortune and blessings he so richly deserves.

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Speaker, as chairman of the Oklahoma delegation in Congress, I am certain I speak the sentiment of each member, as well as the host of friends of our retiring colleague, in saying we are deeply grateful to our distinguished floor leader, the gentleman from Massachusetts, for his kind and appropriate remarks with reference to our colleague from Oklahoma, JACK NICHOLS. I am sure it is a source of great regret to all the Members of this House on both sides of the aisle that our colleague from Oklahoma has of his own volition resigned his membership in this body to embark in the aviation world.

Many of us remember his predecessor, the late W. W. Hastings, who was one of the ablest Members ever to serve in this House. When JACK NICHOLS came here as a new Member 8½ years ago he made it plain that he did not expect to fill the place of Bill Hastings. He realized that no new Member could do that. But JACK NICHOLS began applying himself to the task before him. With his untiring energy, his devotion to duty, and his determination to make good, he soon had won the confidence, respect, and admiration of his colleagues. Moreover, having a marvelous voice, a keen mind, and a quick wit, JACK NICHOLS in due time established himself not only as an able and vigorous debater but also as an outstanding legislator. He possesses the happy faculty of making and keeping friends, and his resignation as a Member of Congress is a distinct loss to our State and to the Nation.

No Member of either House of Congress has more information on the important subject of civil aviation than he. As he has made good in Congress, I predict that he will also make good in his new field of endeavor.

Permit me to add that in offering congratulations and good wishes to our retiring colleague that the great aviation company with which he is to be affiliated is also to be congratulated in securing the services of our colleague at what I am told is a considerable increase in salary over that paid a Member of Congress.

Mr. MONRONEY. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Oklahoma.

Mr. MONRONEY. As a member of the Oklahoma delegation, I second the remarks of the gentleman from Oklahoma [Mr. JOHNSON]. We of the Oklahoma group hate to lose our tireless, effective, and efficient colleague from Oklahoma. Night was never too dark nor the storms too strong for JACK to go to bat when it was necessary in the interest of his State or in the interest of his country. He has served the Nation and his State well, not only through his membership on the important Committee on Rules, which membership brought great distinction to our State, and his service as chairman of a select committee on aviation, whose proceedings he so ably conducted, but in his other activities which extended through his brilliant career here in the House.

Mr. JOHNSON of Oklahoma. I thank the gentleman for his comment.

Mr. WICKERSHAM. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Oklahoma.

Mr. WICKERSHAM. I have known JACK NICHOLS for a number of years. He like Will Rogers and Gene Autry and other notable Oklahomans, typifies the true pioneer spirit that exemplifies Oklahoma. He has a firm handshake and a ready smile. He is capable, he is honest, he is efficient. I am sure we shall miss him.

JACK, I wish you success in your new undertaking. You certainly merit the confidence imposed in you. I congratulate the company in its wise selection.

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Oklahoma.

(Mr. DISNEY asked and was given permission to revise and extend his remarks in the Record.)

Mr. DISNEY. Mr. Speaker, first I want to congratulate our colleague, the gentleman from Oklahoma, JACK NICHOLS, on the high statesmanship expressed in his farewell message, and to join with him in the splendid tributes that he paid to the three Speakers under whom he has served.

This House is the better for JACK NICHOLS' service as a Member. Times have not always been so rosy among the Members, and sometimes JACK and I have had a word or two over local matters, but I have never served with a better natured, more big-hearted, forgiving chap than the gentleman from Oklahoma, JACK NICHOLS.

I wish him the best of luck, Godspeed, and congratulations on his service here and his service to be with the institution which is fortunate enough to have secured his services.

I sometimes wonder what kind of a speech a man ought to make when he retires from Congress. I suppose a speech when he voluntarily retires would be of different character than when he retires involuntarily, but I hope that when I come to make one I can make one of the caliber that the gentleman from Oklahoma, JACK NICHOLS, made today, and that, too, will be on voluntary retirement.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I now yield to the gentleman from Oklahoma [Mr. STEWART].

Mr. STEWART. Mr. Speaker, I have known the gentleman from Oklahoma, JACK NICHOLS, quite intimately for a number of years. He is largely a creature of his own creation—the rough and tumble that has won against odds and adversities as much so as any man within my acquaintance. JACK has made good in every battle. He does not know what it means to be whipped and stay whipped. About the time his foes look for a final decision against him they find he is just beginning to go into battle.

I regret that we are losing him. It is going to be hard to replace him. I have enjoyed my service with him during these 6 short months.

May he prosper and make good par excellence in his new field of activity. More power to you, JACK.

HON. JACK NICHOLS

Mr. BOREN. Mr. Speaker, my colleague the gentleman from Oklahoma [Mr. NICHOLS] has just addressed this body indicating his plans to resign to enter a field of private endeavor. I rise, Mr. Speaker, to pay tribute to his past endeavors and bid him godspeed in his new task.

It is fitting that we pause here in the midst of a day of unusual endeavor, even conflict, to wish JACK well in his new choice. His has been a militant spirit always with a shoulder to the wheel, or if there was division amongst us, always in the thick of the fray fighting for his conviction.

It has been my privilege to know JACK more intimately than most of you, perhaps, and I know him to be a man with a great heart, real capacity, and strong purpose. I have treasured our friendship especially because he has proven himself loyal and everlasting as a friend, broad gaged, and high caliber.

All who have had JACK as an advocate of their cause have found him able, ardent, and fearless. All who have had him as an adversary on an issue have found him unyielding, determined, forceful, even militant and aggressive to carry his point. In victory he has always been modest and magnanimous. In defeat he has ever been the best of sports entertaining neither bitterness nor rancor.

His achievements here we will ever hold in high esteem and point to justly with pride. His has been a leading role, his a service of no ordinary kind. The Congress I know regrets his departure even though it be a task of great importance carrying with it personal good fortune that calls him forth. The Oklahoma delegation especially deplore our loss in his gain in his new adventure and only our intense good will for JACK personally can mitigate our regrets.

Congress loses today the highly capable energies of one of the very best among us but America gains for one of our greatest and most vital industries a good hand and a great mind.

I predict that JACK will make his mark high on the scoreboard of aviation's history. And with the deepest earnestness I bespeak my regret at his going but extend my constant friendship and my everlasting faithful good wish to attend his every endeavor.

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Virginia [Mr. WOODRUM].

The motion was agreed to.

The SPEAKER appointed the following conferees: Messrs. CANNON of Missouri, WOODRUM of Virginia, LUDLOW, SNYDER, O'NEAL, RABAUT, JOHNSON of Oklahoma, TABER, WIGGLESWORTH, LAMBERTSON, and DITTER.

I have received a letter from the Paisley Products Co., Inc., manufacturers of adhesives, in Chicago, Ill. Among other things, the letter states:

It is apparent that the various Government agencies are attempting to obtain corn for industrial processors, but the methods employed at the present time are makeshift, and we do not believe any permanent settling of this important matter can be had until a long-range plan is perfected which will equalize the differences in prices between the corn markets and meat prices.

I have also received a letter from Confections, Inc., of Chicago, Ill. Among other things, the letter states:

This situation is becoming far more serious than it was when we wired you on June 11. The large corn products plant in Pekin, Ill., closed on June 23, and it is reported that other refineries will probably be closing this week or the early part of next week. There is no question but what, if some quick action is not taken, it will result in the closing of many cookie, candy, and other food manufacturing plants. Even if the plants should close for only a short period of time, it still would be extremely serious, because if labor should be laid off for short periods of time because of these shut-downs there is no doubt but what it would be extremely difficult to replace a lot of these workers that might not report back for work.

As you know, a very large percentage of confections are being consumed in various camps by the servicemen, by certain governmental departments, and in defense plants throughout the entire United States.

You can also appreciate that this situation is particularly serious so far as the State of Illinois is concerned because Illinois produces approximately 33 1/2 percent of the entire tonnage of confections.

Mr. President, the situation with reference to corn has become so acute that telegrams on the subject continue to pour in on me. Even while I have been speaking a number of telegrams from important industries in my State have been placed on my desk. They emphasize the necessity for prompt action being taken. The first, a telegram from W. D. Walker, president, Arcady Farms Milling Co., of Chicago, Ill., reads as follows:

CHICAGO, ILL., July 2, 1943.

Hon. SCOTT LUCAS,
United States Senate,
Washington, D. C.:

Our corn supply very low; will be exhausted in week or 10 days. We must buy and use corn if we are to continue making feeds for chickens, turkeys, hogs, dairy cows, and cattle, which form a vital part of the food-production program. Recent Commodity Corporation requisitioning of corn in terminal elevators has made none available to us, as all stocks so required are being given to wet and dry corn processors and no corn is being offered or sold by farmers. Latest War Food Administration guarantee price to farmers to October 31 will not move any corn off farms. We urge you to work for and insist on removal of ceiling price on corn as only possible adequate way to handle this critical situation. Any other action will only afford small temporary help.

W. D. WALKER,
President, Arcady Farms Milling Co.

Another one is from the Advance Aluminum Casting Corporation, of Chicago, and reads as follows:

CHICAGO, ILL., July 2, 1943.

Hon. SCOTT W. LUCAS,
United States Senator,
United States Senate Building,
Washington, D. C.:

Your assistance in bringing to an early and satisfactory conclusion the critical position

confronting the corn-products industry will enable us as a user of corn products in the manufacture of essential aluminum castings for all branches of the armed forces, more especially aircraft, to fulfill these vital Government orders which are now seriously threatened because of the lack of corn made available to all corn-products producers.

ADVANCE ALUMINUM
CASTINGS CORPORATION.

Another, from James Moore, of Mount Vernon, Ill., reads as follows:

MOUNT VERNON, ILL., July 2, 1943.
Senator SCOTT LUCAS,

Washington, D. C.:
Corn situation terrible. Relieve pressure by removing ceiling. Very necessary.
JAMES MOORE.

Another telegram is from Joe Schafer & Sons Seed Manufacturers, of Springfield, Ill., and reads as follows:

SPRINGFIELD, ILL., July 2, 1943.
Senator SCOTT LUCAS,

Washington, D. C.:
We urgently request relief from serious prevailing corn shortage. Please do all possible to force corn into distribution.
JOE SCHAFER & SONS
FEED MANUFACTURERS.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. OVERTON. Do any of the Senator's correspondents suggest a remedy for this very critical situation? Do any of them suggest suspending the ceiling price on corn for a certain period of time, until sufficient corn can be obtained for industrial and other uses?

Mr. LUCAS. I do not know that any of them have made any concrete suggestions as to what should be done. Two or 3 weeks ago I made the suggestion on the floor of the Senate that if the ceiling price of corn were suspended for a certain time, say until September 15, when the new crop comes in, with the understanding that it would then be placed back at parity price, there would be no question that plenty of corn would flow through the regular channels. That is in line with what the Senator is now suggesting.

Mr. OVERTON. I think it would be a very wise policy to pursue, in view of the fact that the situation is becoming far more critical. I am receiving telegrams and letters on the subject, but I am making no progress whatever in obtaining relief.

Mr. LUCAS. I am making just as much progress as is the Senator from Louisiana; but I intend to continue to talk about the corn situation until we can have something constructive done through the various agencies of government which are handling the problem or through proper legislation by the Congress.

While I am on my feet, let me say that I regret very much that a man of the fine character, integrity, and ability of Chester Davis should have resigned from the position of Food Administrator. He has unusual administrative qualifications. His successor is Judge Marvin Jones. While I know that Mr. Jones is new at the job, I also know that he has a wide range of knowledge of agricultural problems. He has unusual sympathy with the farmer. I hope he will use his vast knowledge to take the corn situation in hand. I know that he real-

izes the great emergency which exists. The agencies of government which are handling the problem should not leave it for a single moment until it is solved. I hope that the order which has been issued will solve the problem, but I fear it will not. In the meantime, I implore the agencies of government to lay down some fundamentals in connection with this problem between now and July 17, which will solve it once and for all.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TOBEY. The Senator has just referred to the appointment by the President of Marvin Jones, of Texas, to succeed Chester Davis. The Senator has referred to Mr. Jones in highly complimentary terms. The Senator will recall that for 6 years both he and I were members of the House Committee on Agriculture, presided over by that distinguished Texan, Marvin Jones. I wish to endorse what the Senator has said about him. If I know a real man, it is Marvin Jones. His understanding of agricultural problems is exceeded by that of no other man in the country today. In addition, he is a practical man, with an understanding heart. He is a humanitarian. He wants to do the right thing in the right way. If any man can help to solve the corn problem, and has the purpose in his heart to do so, it is Marvin Jones. More power to him.

Mr. LUCAS. I appreciate very much the Senator's statement, as I know Mr. Jones will, coming from the Senator from New Hampshire, good Republican as he is. That is the kind of spirit which we ought to have in the Senate. Such a spirit would perhaps aid Federal administrators such as Mr. Jones to cooperate with us in solving this problem.

There are many men here who, in my judgment, know agriculture. They are men who have served on the Committee on Agriculture and Forestry for many years. There are men who have served on the Agriculture Committee of the House who know agriculture. They know the problems of agriculture in their own sections of the country. If these gentlemen would once in a while sit down with the best minds in agriculture in both the Senate and the House and get their viewpoints on the subject, perhaps we might get a little further along in the solution of these problems.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TOBEY. I wish to make a comment, which I think is typical. Looking at the whole matter of the war effort as it exists now, and in its broad national aspects, the greatest thing which could happen to the country would be for each of us who is charged with the responsibility of legislation to keep in mind the doctrine that the whole is greater than any part thereof.

Mr. LUCAS. Mr. President, I would go all the way with the Senator from New Hampshire on that excellent statement. During the great emergency through which we are passing I have tried to do the very thing which the Senator from New Hampshire has said. I have tried to overlook the small things which occur in the Congress in order to

go along and keep down the quibbling and the quarreling which we constantly see.

The people back home, I will say to the Senator from New Hampshire, do not like the results of what we in Congress are doing. It is sometimes difficult to compromise, to give and take, and on tremendously important problems I do not believe in it. I think we should not do so on great and fundamental problems. However, there are too many little things on which, it seems to me, we spend too much time in the Congress, working against one another and creating confusion and chaos, but I have tried to go along as harmoniously as possible in the war effort, to the end that we close this ghastly war as soon as possible. I know that is what everyone wants.

I have before me a letter from J. R. Short Milling Co., cereal millers, of Chicago, Ill., in which they say:

The situation is a serious one, of course. The problem is how best to secure a movement from the farms so as to protect the important industries which are being affected. We know that there are many difficult points involved in correcting what appear to be serious mistakes in the earlier handling of the situation.

I have here a telegram from R. M. Field, president of American Feed Manufacturers Association, Inc., a letter from Wagner Baking Corporation, and a letter from Container Corporation of America, Chicago.

Here is a letter from the W. T. Rawleigh Co., of Freeport, Ill., in which, among other things they say:

It seems there has been a great deal of discussion in Washington and making suggestions as to how to correct the corn situation, but the fact remains that nothing which will correct the situation has been done about it.

I also have before me a letter from the Pilsen Brewing Co., as well as a letter from Dixie Mills Co., East St. Louis, Ill. So it goes, Mr. President.

In conclusion, I wish to apologize to the Senator from Tennessee for taking all this time, because I know he has an important conference report which he desires to submit. But the corn situation is just as important to the war effort, to the industries, to the laboring man, and to the farmer, as are many things which we have been discussing during the past few days. I wanted to bring to the attention of the Senate these facts, these telegrams, and these letters. I appreciate the co-operation of the many Senators who have joined with me in the debate, and I thank the Senate for listening to me.

Mr. DAVIS subsequently said: Mr. President, I listened with a great deal of interest to the senior Senator from Illinois in the discussion of the farm situation as it relates to corn. I have received a very large number of telegrams and letters from business and professional men in every section of the State of Pennsylvania petitioning Congress to do something to relieve the present corn situation.

Mr. President, at this time I desire to urge the Committee on Agriculture and Forestry to consider this question, and report back to the Senate a plan to enable those who so desperately need it an

opportunity to buy corn so that they may continue with their business.

URGENT DEFICIENCY APPROPRIATIONS— CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 5, 60, and 61 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amenment numbered 5: That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out by such amendment and in lieu of the matter proposed to be inserted by the action of the Senate and House of Representatives, insert the following: "Provided, That no part of such fund shall be available after June 30, 1943, for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Seventy-eighth Congress and such appropriation denied after consideration thereof by the Senate and House of Representatives or by the Committees on Appropriations of both bodies"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: Restore the matter proposed to be stricken out by such amendment, amended to read as follows:

"SEC. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this Act, or (2) which is now, or which is hereafter made, available under or pursuant to any other Act, to any department, agency, or instrumentality of the United States, shall be used, after November 15, 1943, to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Junior, and Robert Morris Lovett, unless prior to such date such person has been appointed by the President, by and with the advice and consent of the Senate: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to November 15, 1943: *Provided further*, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States nor any benefit, pension, or emolument resulting therefrom."

And the Senate agree to the same.

The committee of conference report in disagreement Senate amendment No. 61.

KENNETH McKELLAR,
CARL HAYDEN,
M. E. TYDINGS,
GERALD P. NYE,
H. C. LODGE, JR.

Managers on the part of the Senate.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,

Managers on the part of the House.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Radeliffe
Andrews	Gurney	Reed
Austin	Hawkes	Revercomb
Ball	Hayden	Reynolds
Bankhead	Hill	Robertson
Barkley	Holman	Russell
Bone	Johnson, Colo.	Scruggam
Brewster	Kilgore	Shipstead
Bridges	La Follette	Smith
Brooks	Langer	Stewart
Buck	Lodge	Taft
Burton	Lucas	Thomas, Okla.
Butler	McCarran	Thomas, Utah
Byrd	McClellan	Tobey
Capper	McFarland	Truman
Caraway	McKellar	Tunnell
Chandler	Maloney	Tydings
Chavez	Maybank	Vandenberg
Clark, Mo.	Mead	Van Nuys
Connally	Millikin	Wagner
Danaher	Moore	Wallgren
Davis	Murdoch	Walsh
Downey	Murray	Wheeler
Eastland	Nye	Wherry
Ferguson	O'Daniel	White
George	O'Mahoney	Willis
Gerry	Overton	Wilson

Mr. HILL. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Virginia [Mr. GLASS], and the Senator from New Mexico [Mr. HATCH] are absent from the Senate because of illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Idaho [Mr. CLARK], the Senator from Rhode Island [Mr. GREEN], and the Senator from Florida [Mr. PEPPER] are detained on important public business.

The Senator from Iowa [Mr. GILLETTE] is necessarily absent.

Mr. WHITE. The Senator from Oregon [Mr. McNARY], the Senator from New Jersey [Mr. BARBOUR], and the Senator from Idaho [Mr. THOMAS] are necessarily absent.

The Senator from South Dakota [Mr. BUSHFIELD] is absent on official business as a member of the Indian Affairs Committee.

The Senator from California [Mr. JOHNSON] is absent because of illness.

The Senator from Wisconsin [Mr. WILEY] is absent on official business.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

Mr. CLARK of Missouri. Mr. President—

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. McKELLAR. I yield.

Mr. CLARK of Missouri. I wish to ask the Senator from Tennessee whether, in all good faith, he thinks that the conference report he has just submitted changes in any essential degree whatever the issue which has already been three times decided by the Senate?

Mr. McKELLAR. No, it does not; so far as the three alleged Communists are concerned, it is not changed at all.

Mr. CLARK of Missouri. I am glad the Senator from Tennessee used the

term "alleged," because that presents, in the Senator's own statement, the whole issue in this matter. They are not convicted Communists, they are alleged by a subcommittee of a committee of the House of Representatives to be Communists. I simply wanted to make the issue clear that, after the Senate has three times—an unprecedented procedure, so far as I know, from such investigation as I have been able to make—rejected three conference reports from the great Committee on Appropriations on an essential question of principle, the conferees have come back with exactly the same thing on which the Senate has three times expressed itself.

Mr. President, if the Senator prefers to proceed and to have me take the floor later in my own time, I shall be glad to do that.

Mr. McKELLAR. Suppose I explain what the committee has done, and then I shall be glad to yield the floor so that the Senator may argue the matter again.

Mr. President, this is the fourth conference report which has been made on the urgent deficiency appropriation bill carrying salaries for various officers and employees of the Government. There are only two items remaining undisposed of, as all Senators know. The first one is amendment No. 5, on page 3, line 16, of the bill, and the conferees have agreed on the following language in reference to the President's fund of \$83,000,000:

No part of such fund—

That is unexpended balances and an appropriation of \$25,000,000 of new money, making in all \$83,000,000—

No part of such fund shall be available after June 30, 1943, to finance a function or project for which function or project a Budget estimate of appropriation was transmitted pursuant to law during the Seventy-eighth Congress, and such appropriation denied after consideration thereof by the Senate and House of Representatives, or by the Committees on Appropriations of both bodies.

Mr. President, the conferees believed that no one could reasonably object to this proviso. If a budget was sent in and denied either by both Committees on Appropriations, or by the Congress itself, surely no money otherwise appropriated by the Congress should be used for this purpose. I am quite sure the President himself would not use his fund for any such purpose anyway after the Congress had turned a bill down which had been submitted by the Budget Director, and I urge Senators to vote for this report. It seems that many Senators whether friendly to the President or unfriendly to him could vote for this limitation or restriction.

After very careful consideration the conferees unanimously adopted the provision. In my judgment, it does not injuriously affect the appropriation, except to a limited extent. Let us take, for instance, the National Resources Planning Board, for which a Budget estimate was sent to Congress and rejected by both Houses; none of the money could be used for that Board. Let us take almost any case in which an appropriation has been asked, and the Congress has refused it. Under the provision, money would not

be available, and should not be available, for such a purpose. I do not believe the President himself would think it should be made available when an application has been made to the Congress for the money, and the Congress has refused it, or the Committees on Appropriations of the two Houses have declined to grant it. I am sure that under such circumstances the President would not want to use the fund for a purpose for which the Congress had already denied an appropriation.

Mr. President, I need not say anything further about that. The provision has been agreed to.

Mr. WHITE. Will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WHITE. Am I correct in my understanding that the agreement reached by the conferees prohibits transfer of funds from any source to an agency for which the Congress itself has refused directly to make appropriations?

Mr. McKELLAR. That is true, except for the words "from any source." It applies only to the \$83,000,000 carried in the pending bill.

Mr. WHITE. It would prohibit the transfer of funds from that source to a governmental agency when Congress had refused to make appropriations for such agency?

Mr. McKELLAR. That is true.

Mr. BARKLEY. Will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BARKLEY. I feel that when a Budget estimate has been made for an appropriation and Congress, as a Congress, has refused to make the appropriation, no President would deliberately fly in the face of the Congress by transferring funds for that purpose from his general fund.

Mr. McKELLAR. I believe that to be absolutely true.

Mr. BARKLEY. I not only have no ground for believing that the present Chief Executive would do that, but I have a very distinct belief that he would not. But there is some ambiguity in the language at the end of the provision. I read:

No part of such fund shall be available after June 30, 1943, for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Seventy-eighth Congress and such appropriation denied after consideration thereof by the Senate and House of Representatives—

It is perfectly clear to that point. But now comes the phrase "or by the Committee on Appropriations of both bodies."

Could that be interpreted to mean that even when the two Appropriations Committees had denied an appropriation of a budget estimate, or any such item, and the Congress afterward appropriated the amount, or increased the amount, notwithstanding the subsequent action of the Congress as a whole, if the committees had turned the matter down, the payment could not be made?

Mr. McKELLAR. As I understand what the House meant by that language, it is that if someone on the floor offered an amendment which had been sub-

mitted and turned down by the two committees, it would apply to that also. That is their purpose.

Mr. BARKLEY. In other words, then, it is the Senator's interpretation that both the Houses of Congress might override their Committees on Appropriations and insert an item in a bill and make it a part of the law, but the President would be denied the right to transfer such funds if the committees had turned it down, notwithstanding the action of Congress?

Mr. McKELLAR. That is my understanding of the language. The House was adamant in the matter and would not take it out of the bill. Every Member of the conference, both on the part of the Senate and on the part of the House, has agreed to it, and, therefore, it is before us. The Senator knows as much about the insertion of language as anyone else does.

Mr. BARKLEY. I am not quarreling with the Senator from Tennessee; I am trying to find out what the provision means. If the Senator's interpretation of the intent of the House be correct, it makes the Committees on Appropriations superior to Congress, because it makes it impossible for the President to use a fund which the Congress would have included, overriding the Committees on Appropriations, under that language, if the committees themselves refuse to report an item, notwithstanding that Congress put it in.

Mr. McKELLAR. I think that is a very far-fetched construction of the language. The Senator may attempt by some ratiocination with which I am not familiar to make it mean something different from what it says, and that it means to put the two Committees on Appropriations of the Congress above the Congress. I do not think it does, and if it does, then the Senator is responsible for it, because it referred originally to the "appropriate committees of the two Houses," and the Senator asked that it be changed to refer to the two Appropriations Committees of the two Houses.

Mr. BARKLEY. The Senator is incorrect in that.

Mr. McKELLAR. The Senator told me so. I do not know whether I am incorrect or not. I understand language ordinarily.

Mr. BARKLEY. What I asked was, and if the Senator's memory serves him correctly he will recall that I asked, that the last clause be eliminated entirely.

Mr. McKELLAR. I think the Senator came to me afterwards and asked that that be done, but at first he said he supposed it meant the two Appropriations Committees. My recollection is that he put a memorandum on the copy I had to that effect, and I did what he suggested, thinking it would probably lead the Senator to withdraw his opposition.

Mr. BARKLEY. The Budget Bureau makes no recommendations to any committee except the Appropriations Committees, and the use of the words "Budget recommendations made to the appropriate committees" would have no meaning, because we know that no other com-

mittee receives Budget estimates except the Appropriations Committees.

Mr. McKELLAR. The House inserted this language, and we either have to accept it or reject it. That is all there is to it.

Mr. BARKLEY. I appreciate that and I am not arguing against the conference report, I am not urging any Senator to vote against it, but I think it is a preposterous situation when the House insists on language which can be interpreted to mean, according to the Senator's own interpretation, that if the two Appropriations Committees of the two Houses have turned down a recommendation of the Budget, and the two Houses subsequently insert it in a bill, what is provided for cannot be done because the two committees have previously turned it down.

Mr. McKELLAR. Of course, the Senator can make any interpretation of it he desires, but this report has been brought here for the fourth time. I do not believe the President of the United States would object to the provision, I do not believe any real friend of the President would object to it. I think it is a perfectly proper limitation, and when the two Houses have voted against a provision, the President should not think of attempting to override them by using a secret fund that is given to him for certain purposes.

Mr. President, I now come to the next part of the program, in which every Senator is very much interested. As we all know, the House has made an investigation of certain men, now working for the Government, who entertained, or were believed to entertain, communistic principles.

Mr. CONNALLY. Will the Senator yield for a question?

Mr. McKELLAR. I yield.

Mr. CONNALLY. The Senator from Tennessee will recall that during the debate on this question on a former occasion it was asserted that the investigation was a star-chamber proceeding, that there was no trial, that the Bill of Rights was ravished—

Mr. McKELLAR. That every word in the Constitution was ravished.

Mr. CONNALLY. I understand that these men did have a trial, that they were brought before the committee.

Mr. CLARK of Missouri. A subcommittee.

Mr. CONNALLY. Well, a subcommittee. They had a hearing, and testified, and made their attitude known, and the matter was investigated, then the committee believed they should be removed from the roll. Is that true?

Mr. McKELLAR. That is true, and a part of the evidence is the evidence of the three men themselves. There are 380 pages of the evidence. I hold a copy of it in my hand.

Mr. HOLMAN. Will the Senator yield?

Mr. McKELLAR. I yield.

Mr. HOLMAN. This discussion has now reached such a point that I wish to ask the Senator whether he would object to a quorum being called.

Mr. McKELLAR. We just had a quorum call.

Mr. HOLMAN. But observe the attendance in the Senate, I believe that if the Members of the Senate were present and should now listen to what the Senator is saying, we would be able to dispose of this matter.

Mr. McKELLAR. I thank the Senator very much, but there is quite a fair attendance of Members of the Senate at this time, and I am willing to proceed.

Mr. CLARK of Missouri. Are the Senator's "boys" here?

Mr. McKELLAR. I do not know. I have not counted them. I hope there are enough Senators present to agree to the conference report, and I now propose to tell why I believe we should agree to it.

Mr. President, at the very beginning, when the question was first argued on the floor of the Senate, I said that I did not approve the method adopted by the House.

Mr. ANDREWS. Mr. President, will the Senator yield to me for a question?

Mr. McKELLAR. I will yield to the Senator when other Senators on the floor cease to debate other subjects long enough to prevent me from continuing. I cannot give the facts of the situation with so much noise in the Senate. I regret the present situation very much.

The VICE PRESIDENT. The Senate will be in order.

Mr. McKELLAR. I now yield to the Senator from Florida.

Mr. ANDREWS. The salaries of how many employees of the Federal Government are affected by the pending measure?

Mr. McKELLAR. Several thousand employees are affected. I hope the Senator will wait a moment and I shall tell him who some of them are.

Mr. ANDREWS. Very well.

Mr. McKELLAR. The second amendment, the one now in question, denying funds to Goodwin B. Watson, William E. Dodd, Jr., and Robert Morss Lovett was agreed to by the conference in exactly the same language that has been before the Senate heretofore.

Mr. President, I fear in the previous conferences I have not been able properly to defend this part of the report, and I am going to try with my colleagues to defend it at this time.

There were two objections raised heretofore to it and they were the principal objections and which objections cannot now be raised. The first of these was that the House had never voted on it by record vote except the first time when the vote was more than 5 to 1 in favor of the amendment. Since the last conference the House has voted on it and the vote was 301 to 71 and thus for a second time the House has overwhelmingly voted to sustain its amendment. That, Mr. President, shows that the House is adamant with respect to the question, and that we are not going to get a bill unless we yield to the House.

The other objection heretofore raised was that the House acted on secret testimony, and therefore the men were being condemned without a trial. We have arranged very carefully that these men shall be tried when their names come to the Senate for confirmation in the regu-

lar way. That fact, of confirmation by the Senate of their nomination, guarantees them every right. I should be willing to have the Senate pass on my fitness or my qualifications, whether I were guilty or not guilty of some charge made against me. I think the Senate is an honest, upright body, and I think even a Communist would obtain a fair trial from the Senate.

I may say that the House has had published the evidence and I have asked that a copy of the hearing or evidence be laid on the desk of every Senator. It will be seen that the whole matter was gone into thoroughly by the House committee, and upon that evidence this amendment was adopted by the House. These three men were called before the committee and each had an opportunity to defend himself. Dr. Watson was charged by the Dies committee, as shown in these hearings, with having belonged to many subversive organizations, beginning with the American Committee for Democracy and Intellectual Freedom, and going down to Social Work Today.

Representative POWERS asked:

Do you specifically deny having any activity or sympathies as charged in this letter with any or all of these organizations, beginning with the American Committee for Democracy and Intellectual Freedom, and going down to Social Work Today.

Dr. WATSON. I have had some contact, I think, with each of these organizations.

Representative POWERS. With which ones?

Dr. WATSON. With every one of them, in that I have joined with them in some enterprise or other.

Representative POWERS. Knowing the character of the organizations at the time you joined in with them?

Dr. WATSON. Ordinarily not.

Representative POWERS. My question is, in any case did you know the character of the organization?

Dr. WATSON. Yes; in many cases I knew the character of the organization and did not judge it to be a subversive organization.

Again, Representative POWERS:

As to all these 13 organizations the Committee on Un-American Activities has branded as either Communist or front organizations for the Communist Party, did you ever publicly repudiate any of these organizations after you had had any connection with them?

Dr. WATSON. I do not think I either endorse or repudiated them.

I shall not go into all the testimony, but I will say that the testimony shows that Mr. Watson belonged, as I recall, to 13 Communist or subversive organizations or clubs. He associated with Communists. He admitted that he associated with Communists. He admitted that he belonged to communistic organizations, and it was upon his evidence, I recall, that the committee based its findings, for there is no other evidence in the hearings except that of the three men—Mr. Watson, Mr. Dodd, and Mr. Lovett—together with exhibits to their testimony. They themselves made their cases. They were heard, and upon their own statements the House adopted this provision.

The two other accused persons were just as bad or worse. Mr. Dodd said his home was used for a Communist meeting and he was present. Dr. Lovett joined so many Communist and subversive organizations that he hardly knew

them all. I think there were probably 50 or 100.

The proof—and it is their own proof too—shows that all three of these gentlemen are much more interested in communism or communistic teachings and associations than they are in the American Government, and I frankly say from my examination of the testimony that I think all three are wholly unworthy to be working for our Government. On the other hand, I have heretofore stated I think it was unfortunate that the House pursued the plan of getting rid of them it has followed, but the House pursued that plan honestly and fearlessly and it will not agree to the bill without that provision being included in it. The House has modified its original position by inserting the language:

Until November 1 they can stay where they are but they cannot be paid out of this fund after November 15 unless the President shall send their names to the Senate and they be confirmed by the Senate.

Certainly that will give these men every fair opportunity to be justly dealt with.

I may say that Mr. Watson holds a very important place in one of the departments. I think he takes part in the handling of some of our foreign mail.

Mr. LANGER. Mr. President—
The PRESIDING OFFICER (Mr. LUCAS in the chair). Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. McKELLAR. I yield.

Mr. LANGER. In respect to the statement made by the Senator from Tennessee that Mr. Watson belonged to 13 communistic organizations, I call attention to page 10 of the hearings, which the Senator from Tennessee has just handed me, and which I have seen today for the first time, and read from Mr. Watson's testimony as follows:

I think there is no organization in the list which has been charged by the Department of Justice as a subversive organization. I certainly have never been a member or sponsor of any organization known by me to be Communist in origin or control.

Mr. McKELLAR. Yes. According to his own testimony, he was simply an innocent person who joined these communistic—or shall I call them something else?—well, I will call them what the committee called them—communistic organizations, subversive organizations. He was simply an innocent person who was brought into them without knowing what they were. There were 13 of them.

I call attention to what was said on page 13:

Representative POWERS. As to all these 13 organizations the Committee on Un-American Activities has branded as either Communist or front organizations for the Communist Party, did you ever publicly repudiate any of these organizations after you had had any connection with them?

And this is Mr. Watson's answer, Senators:

No. I do not think I either endorsed or repudiated them.

That was Mr. Watson's testimony. I shall not go into the testimony of the others. Mr. Dodd, however, did the same

thing. He belonged to such organizations without knowing what they were. A meeting was held in his own house in New York City, where a great number of persons gathered, and the Communist Party paid for the food and the drink and the other expenses.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. TOBEY. Of course, I am interested in what the Senator from Tennessee has to say. He holds a brief, apparently, for the House committee on the action it took, and is trying to defend it, and to urge upon us the principle and the duty to support the conference report in its present form.

Mr. McKELLAR. Yes, sir.

Mr. TOBEY. But my memory goes back to the other day when the distinguished Senator stood on the floor of the Senate and at the beginning of his remarks said dogmatically—and he pounded the desk when he said it—"I do not approve of this method of handling the matter."

Mr. McKELLAR. I do not.

Mr. TOBEY. And yet the Senator is now using his best offices, his forensic talent, his histrionic talent, and his attractive personality—

Mr. McKELLAR. I thank the Senator.

Mr. TOBEY. To seduce us to vote for this "stuff" here.

Mr. McKELLAR. I am very happy to answer the question. I will tell the Senator why I made that statement. It was argued here by my distinguished friend, the Senator from Missouri [Mr. CLARK], whom I love very dearly, that these men had not had a fair show, that they were being condemned without hearing, that we were cutting them off without a trial. It developed that a trial had taken place, or a committee had investigated them, and then the Senator from Missouri said that it was a secret matter, and that the House had published the hearings only a few days ago.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield in a moment. Let me finish my answer to the question of the Senator from New Hampshire. It had been argued here that these men were not Communists. As I understood it, it was argued here that so far as the record shows they were pure and undefiled.

Mr. CLARK of Missouri. The Senator, when he mentions my name, certainly does not mean to say that I ever argued that they were pure and undefiled?

Mr. McKELLAR. No.

Mr. CLARK of Missouri. I said there was no evidence before the Senate which justified us in overriding the Constitution of the United States by bringing a bill of attainder against men in an unconstitutional manner.

Mr. TOBEY. Mr. President, will the Senator yield for just a second?

Mr. McKELLAR. I yield.

Mr. TOBEY. The words "pure and undefiled" intrigue me. I have a little knowledge of the Scriptures, gained in my earlier days—

Mr. McKELLAR. The Senator is to be congratulated.

Mr. TOBEY. I think so. The Scriptures say:

He that is without sin among you, let him first cast a stone * * *.

I apply that to all of us when it comes to saying "pure and undefiled."

Mr. McKELLAR. Very well.

Mr. President, as I have said, the fact, as brought out in the hearing, is that Dr. Dodd was associated with many organizations, that he entertained communistic or subversive organizations in his own house in New York and the parties were paid for by the Communist Party.

When it comes to Dr. Lovett, as I have said, Dr. Lovett belongs to so many Communist organizations and so many Communist-front organizations that he could count only about 100 of them. That was all he could count. If there were any Communist or Communist-front organizations that Dr. Lovett did not belong to, it was by accident, not by design, because he found all that could be found, so the committee said.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CLARK of Missouri. Since the Senator has completely shifted the issue from the position he originally took on the matter and now is proposing to try de novo in the Senate the merits of the proposition, I will answer that in my own time.

Mr. McKELLAR. Very well.

Mr. CLARK of Missouri. But on the statement the Senator made a moment ago about bridge and cocktail parties, let me say I have a very low opinion of young Dodd, and have an even lower opinion of old man Dodd, the recently deceased former Ambassador to Germany.

Mr. McKELLAR. I did not know either of them.

Mr. CLARK of Missouri. The most I know of them is newspaper hearsay; but, even so, does the Senator contend that if any individual, any citizen of the United States, chooses to give a cocktail party or a tea party or a dinner or anything else for a man, the mere fact that the man for whom the party is given has had charges preferred against him indicates any subversive intention on the part of the person providing the entertainment? It does not seem to me to be fair to say that a man advocates subversion of the sovereignty of the United States, which is the charge brought in this case, because he gave a cocktail party for a man such as Harry Bridges. So far as I am concerned, I adhere to the belief that Harry Bridges should be deported.

Mr. McKELLAR. Mr. President, let us not get into the Bridges case. We have enough cases before us now.

Mr. BARKLEY. We have enough "bridges" to cross.

Mr. McKELLAR. Indeed so, Mr. President.

Mr. CLARK of Missouri. I believe Harry Bridges should be deported. I think there are technical grounds on

which deportation proceedings against Harry Bridges can be well founded. However, a number of persons in the United States for whose judgment I have great respect hold the contrary view.

To say that a man is guilty of a crime for which he should be subjected to a practical bill of attainder because he entertained the contrary view on the Harry Bridges case seems to me to be absolutely unfair.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. McKELLAR. In just one moment, I am undertaking to make an explanation of the committee's report. I shall ask Senators to wait until I make the explanation, and then I shall answer any questions which may be asked by Senators.

Mr. TOBEY. The only reason why I desire to ask the question I have in mind is because the discussion has now reached Dr. Lovett, and the Senator is making serious charges against him. What I have to say is very pertinent to that part of the Senator's address.

Mr. McKELLAR. Very well, Mr. President; I yield.

Mr. TOBEY. I appreciate the graciousness on the Senator's part.

Let me point out that this morning, about half an hour after the opening of the session, I approached the Senator from Tennessee and asked him if the matter in connection with the three alleged Communists was to be brought up. He assured me it was. Then, in his zeal for converts, he passed to me the 380-page booklet I now hold in my hand.

Mr. McKELLAR. I hope the Senator will not put it that way. I am here representing the Senate Appropriations Committee. We have had four conferences about this matter. Our committee has acted as honestly, as fairly, and as justly as we knew how. I am not interested in these men. I do not know them.

Mr. TOBEY. I appreciate that.

Mr. McKELLAR. There is no zeal about that.

Mr. TOBEY. Certainly the Senator gave me this booklet to convince me; did he not?

Mr. McKELLAR. The Senator can be convinced or not convinced, as he likes.

Mr. TOBEY. Mr. President, if I may address my remarks to the Senator from Tennessee for a moment, in connection with the booklet he handed me, let me say that I opened it by chance. I could not have gone through it all in half an hour; but, merely by chance, I opened it at page 183. I call the Senator's attention to the testimony appearing at the top of the page. Representative KEEFE was questioning Dr. Lovett. The testimony is as follows:

Representative KEEFE. You were a member of that, were you not?

Mr. LOVETT. I was; yes—Friends of the Soviet Union.

I read further from the testimony:

Representative KEEFE. Well, let me call your attention to this, which perhaps will recall—a meeting which was held at the Ashland Boulevard Auditorium on Tuesday, March 5, 1935. This document is headed "Call to Action. War Threatens the Soviet

Union. Militarist Japan and Fascist Germany Forging Robbers' Ring to Attack. Defend the Soviet Union," and so on and so on. "Come Hear Robert Morss Lovett."

What for? To hear him defend the conduct of the Soviet Union. I read further from the testimony:

Representative KEEFE. You felt that the Soviet Union was going to be attacked by the Fascist states in Europe: Germany, Japan, and Italy?

Mr. LOVETT. It seemed probable at that time.

He anticipated it. I point out that what he did was to foresee coming events; he saw them casting their shadows before. He saw better than some of the rest of us did.

I read further from the testimony:

Mr. LOVETT. * * * I believe that the existence of the Soviet Union, as proved today, is of enormous importance in determining the history of the world and in directing that history to the ultimate benefit of mankind, and I am not ashamed of any action that I have ever taken in defending the Soviet Union.

Now, I say to the Senator from Tennessee that the point I make in my comment to him is that Mr. Lovett is only one of about 130,000,000 people. He was a little ahead of the rest of us. He defended the Soviet Union. He foresaw that Germany and Italy would attack the Soviet Union, as they have.

Today we are defending the Soviet Union. Only the other day I was in the Emanuel Episcopal Church, in Boston, and side by side in the chancel of the church were the flag of the United States and the flag of the Soviet Union.

Today, Soviet Russia is our ally. Perhaps history will reveal Soviet Russia as our best defender.

I am as opposed to communism as any other Senator can be. I am in no sense defending it; what is in my heart is a deep aversion to this branch of Congress sanctioning the procedure proposed in the conference report, a procedure which some of our best legal minds hold to be a bill of attainder in essence and effect at least.

What is the crime in Mr. Lovett's faith in the Soviet Union as a buffer to Fascist influence if he believes in it? This is a free country, and he is following the dictates of his own conscience in those matters.

I do not think the Senator is correct in his position against a man who is defending the Soviet Union against the Fascist states and point out that today the American people are defending the Soviet Union and praising the great fight its armed forces are making against the Axis Powers.

Mr. McKELLAR. Mr. President, if I may go on, unless there is something very unusual which Senators wish to ask, I hope I shall be permitted to present the committee's side of the matter for a moment. Every time I get started, I am interrupted by some other Senator before I can proceed. I am sure Senators will feel it is fair to let me make my statement.

I say the House had a basis for what it has done. It had so much basis that it voted on the matter twice, and the last

time was just a day or two ago. On the last vote the House voted 4½ to 1 in favor of retaining its position.

The question in which I am interested is not one of the guilt or innocence of the men. I do not know anything about whether the three men are guilty or innocent. But I do know, from having read the testimony, that the statements of the three men, as given by themselves, justify the House in the position it has taken to get rid of them. I do not think men having such views—

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. McKELLAR. I ask the Senator to wait for a moment, please, until I can complete the statement of my thought. I will yield to the Senator later; I shall be glad to do so.

The PRESIDING OFFICER. The Senator has requested that he not be interrupted.

Mr. McKELLAR. The House had before it the statements of the three men. After reading them, if I had my way, if I were their employer I certainly would not retain them as servants of this Government. I still do not agree with the method the House has used; but the House has taken that course of its own accord, and the matter was in conference.

I am merely saying that the House had a reason for what it did. No Senator can read this pamphlet of 380 pages without coming to the conclusion that the House had a pretty sound reason for its action in not wanting them to work for the United States Government.

That brings me to another aspect of this matter. Here are three men, charged by the House of Representatives, a body coequal with this body with various of subversive principles and practices. Some have said that they are not subversive. Why belong to all these subversive organizations if there is not at least to some extent a kindred feeling? All of us have heard, ever since we were children, that "birds of a feather flock together." These men have been flocking. They have been members of those organizations. The Dies committee has reported that they belonged to such organizations, and it has never been denied. The three men do not deny it.

They hold important positions. One is Government Secretary of the Virgin Islands. Another holds a very important position as translator of documents coming here from foreign countries. I do not know what the duties of the third are. But, be that as it may, here are three men. Some Senators call them the Three Communists. Others have called them the Three Black Crows. Some Senators have asked me about the Three Musketeers, and others about the Three Privateers. Whatever may be said of them, I am not condemning them. They may come before the Senate for confirmation if their nominations are submitted. I wish to give them a fair deal. I am impressed with the idea, from their own testimony under oath, that they have been going in very bad company. No wonder the House has taken the position which it assumes.

Mr. President, those are not the only three persons involved in this bill. The

very first provision in the bill is for the pay of the House and Senate pages. We have deprived them of their salaries up to this point. Why have we deprived them of their salaries? In order to prevent three alleged Communists from being let out of the Government service on the basis of their own admissions.

Let me say to the Senate that the pages are as fine a group of young boys as I have ever known. Even if only one of them was involved, I would vote to give him his salary, the three Communists to the contrary notwithstanding; constitutional questions notwithstanding. I believe that what the House has done is perfectly constitutional. I repeat I think it is the wrong way to reach the objective; but if the House has no right to deny an appropriation to pay the salary of any officer of the Government, I do not know what the Constitution means. However that may be, here are these page boys, and the page boys in the House of Representatives. We are denying those boys their pay, while we are protecting three Communists who are holding Communist meetings, one of them in his own house.

Mr. CLARK of Missouri. Alleged communists.

Mr. McKELLAR. The Senator says "alleged Communists." I intend to use the word "alleged" in each instance, although they themselves were not particular about using the word, if the Senator will read their testimony.

Mr. CLARK of Missouri. Mr. President, if the Senator will permit me, I have tried to observe the Senator's injunction against interruption, but the Senator says, "If the Senator will read their testimony." I should be glad to read it, if I were given an opportunity to read it.

Mr. McKELLAR. I am glad to furnish the Senator with a copy of the testimony (handing a document to Mr. CLARK of Missouri).

Mr. CLARK of Missouri. I am called on to vote now.

Mr. McKELLAR. The testimony was sent to the Senator several days ago at his office.

Mr. CLARK of Missouri. It has never been sent to me, and I have never seen it. I refuse to vote on the basis of evidence which I have never seen.

Mr. McKELLAR. The Senator is not asking for any evidence to vote against the pages. He is simply telling the pages, "We are not going to appropriate for you." He is not asking for evidence about them. He is asking for evidence about three alleged Communists.

Mr. President, I would rather vote for any one of these boys, who are as fine a group of young men as I have ever seen, than to preserve some right or alleged right of three Communists.

I should like to say one thing further about the three alleged Communists. Every right they have under the law is preserved to them, because they are to be appointed by the President, and this body will pass on them. I know that the Senate will pass on them fairly.

Whom else are we voting against? It is not a question merely of voting for Communists. Some Senators seem to be

determined to vote for the three Communists. It is not only proposed that we vote for Communists, but that we vote against the page boys in the Senate, and the page boys in the House of Representatives.

Whom else are we asked to vote against? We are asked to vote against the pay of the Resident Commissioner from Puerto Rico. We are asked to vote against the fund of \$83,000,000 for the President of the United States when we vote against the conference report. He has no fund today. Why? Because the conference report has not been agreed to. He would not have a right to use a dollar of the \$83,000,000 appropriation carried in this bill, because the fund expired on June 30.

We are asked to vote against the War Production Board in the Office for Emergency Management, the appropriation for which is \$4,597,000. The War Production Board is handling the production of war materials in America. We are asked to turn it down. Why? Because it is desired to protect three alleged Communists. We do not give a hang about having the War Production Board function for the benefit of our country if it interferes in the slightest degree with supposed right under the Constitution of three alleged Communists.

That is not all. The War Shipping Administration is one of the most important functions of the Government. It is necessary to provide the money in order that shipping activities of the country may be carried on. But no; to Hades with that part of our war effort if we can save these three at-heart Communists. Throw it out the window. We refuse to approve the conference report, and, therefore, it gets no money. Why? Because it is desired to protect the positions of three alleged Communists.

We are asked to vote against the Office of Price Administration. The bill carries an appropriation of \$3,000,000 for that activity, whose purposes are so worthy that both Houses of Congress have several times agreed to appropriations for its maintenance. But while the Office of Price Administration may be a war effort, we are to turn it down. Why? Because, forsooth, three alleged Communists, flocking with Communists and subversive organizations, are not treated exactly as the Senate thinks they ought to be treated.

I do not know how we ought to go about solving the problem under the Constitution and laws of this country. I am in doubt. The House has gone a long way. I do not approve of the action of the House, but it has taken action under its constitutional right to allow or withhold appropriations. It does not make any difference about the Office of Price Administration. That can go out of the window. We want to save the jobs of three alleged Communists. If we save them, to Hades with the others.

Another important function of government against which we are asked to vote is the Public Health Service, under the Federal Security Agency. What is more important to the civilian population than the Public Health Service and the training of nurses? That goes by the board.

The next is an appropriation—a small one, it is true—for the Freedman's Hospital. It may be said, "Oh, well, a hospital has no place against three alleged Communists. Oh, no. Let us save the Communists, but let the hospital go to Hades. Let us save the three Communists. Let us save their jobs. It is not a question of Communists themselves, but the saving of their jobs. Let us save their jobs."

I come next to the appropriation for Howard University. Howard University is a very worthy colored institution in Washington. I believe it is the largest of its kind in the world. There is an appropriation in this bill for \$229,500 for a power plant to be constructed this summer so that those associated with Howard University may keep warm next winter. However, in effect it is said, "Oh, no; kick these citizens—the pupils and teachers in this great university—out of the window, or kick out the appropriations?" Why? Because we must protect the jobs of three Communists—alleged Communists, excuse me—alleged Communists in the employ of the Government.

I next come to the Federal Works Agency—Public Buildings Administration, for which an appropriation is provided of \$1,203,800. Shall we appropriate for it? It is being said that we should appropriate for it if it were not that these three alleged Communists must be considered. Unless we cut out the provision with respect to these three alleged Communists these other institutions can go by the board. We do not care. Why should we worry about such things as the Public Buildings Administration, or Howard University?

I come next to what is even of more importance, it seems to me, namely, the Veterans' Administration. An appropriation is recommended of half a million dollars to be used as a revolving fund. The veterans who fought our battles need it. But we are told, "Oh no, you made a mistake. You got into the wrong groove. We must turn that down, of course." Why?

In another part of the bill is a provision which requires a fair and just investigation and ruling on three alleged Communists. My heavens, when something is proposed to be done with respect to three alleged Communists, it does not make any difference about the soldiers who fought for us! Oh, no. What comes of the appropriation for them? Pitch it out the window. That is what we have done already. Three times we have pitched it out the window.

Mr. CLARK of Missouri. Four times.

Mr. McKELLAR. Four times. And this is an attempt to get through these appropriations. Much is said about being prejudiced against these three men. I am not prejudiced against them. I am talking about the facts concerning them as disclosed by their own evidence. What I am interested in are the university, in the veterans, and in faithful employees, and various governmental agencies.

I now come to the District of Columbia. Here in our midst are 3,500 school teachers in the city of Washington, in

the District of Columbia, whose salaries are being denied. Why? We could not allow the salaries of school teachers to be paid unless we keep three alleged Communists in office. We must keep them in office. Does that make sense to anybody here?

Mr. TOBEY. Is the Senator asking me whether the argument which he is making makes sense?

Mr. McKELLAR. Yes.

Mr. TOBEY. Not to me. I think it is a splendid example of *reductio ad absurdum*, if the Senator asks me.

Mr. McKELLAR. I thank the Senator. I think his statement would apply to the arguments made in favor of keeping the three men in office, however.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. SMITH. I was a little bit worried over the position taken by the Senator who said that these men had a right to their opinions. He said also that our Government was honoring the Soviet Government. I wonder if the implications were that these men were attempting to substitute communism for our form of Government in America, and that our friendship for Russia meant that we would adopt the Russian form of government.

Mr. McKELLAR. I do not know what was meant. I am astounded at the arguments which are made by some Senators who seem to favor three alleged Communists, and to turn their backs on worthy people and institutions. I am frank to say that it does not make any sense to me.

In the District of Columbia there are 3,500 school teachers, and 2,000 others who are to be deprived of their salaries. They are right here in our midst. Why are they to be deprived of their salaries? Merely because charges have been made by the House of Representatives against three alleged Communists, who are to be turned over to the Senate and the President to be tried.

Mr. SMITH. I do not like the implication that because Russia is helping us in this war, we are therefore accepting Russia's government. That is what I am protesting against.

Mr. McKELLAR. The Senator is exactly right. I am proud of the position Russia is taking in this war.

Mr. SMITH. So am I.

Mr. McKELLAR. I admire what she has done. But, as God is my judge, I am not in favor of Russia's communistic government, or any other form of communistic government.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. LANGER. Then the Senator from Tennessee and Lovett are thinking exactly alike, because on page 186 of the hearings, Mr. Lovett said:

I don't know that. In the letterheads, let me say, that represent these various organizations there will be found many persons like myself who were not Communists but who participated in the organization along with Communists for a common object.

That is exactly what the United States is doing now in this war.

Mr. McKELLAR. Very well, Mr. President. Every man may have his own views about it. I am not complaining about any view which has been stated here.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. FERGUSON. I think we should look for a moment at the wording of this amendment.

Mr. McKELLAR. Yes.

Mr. FERGUSON. It does not say the Senate is to pass upon whether the occupants of these three positions in the Government should in good faith be made subject to confirmation by the Senate. If the Senate in good faith should desire to make these three positions such that in the future their occupants should be confirmed by this body, that is one thing. But Senators will note that the wording of the amendment is that no money shall ever be paid from any appropriations to these three men for any services except—and near the end of the amendment there is a provision as follows:

That this section shall not operate to deprive any such person of payment for services as a member of a jury.

And so forth. This body is asked to go on record in saying that these three men may be jurors in the United States and receive payment for such services.

Mr. McKELLAR. If a lawyer who had a Communist client should wish to have Communists on his jury, I could easily see how he would like to have on the jury men like the three alleged Communists whom we have been discussing.

Mr. FERGUSON. Does the Senator believe that the Senate should vote to allow these men to serve on a jury but not allow them to serve in some other capacity in the employ of the Government?

Mr. McKELLAR. I do not know why the House did it, but I see no reason why the Senate cannot aid the House in enacting a law providing that three men who are charged with offenses against the Government itself—subversive tendencies and subversive acts—I see no reason why the Senate cannot look into that and give them a fair deal. I am sure from the votes already had it would be very much inclined to give them a fair deal.

Mr. FERGUSON. Mr. President, will the Senator yield further?

Mr. McKELLAR. I yield.

Mr. FERGUSON. As I see this situation, it is not at all a matter of defending three men; it is a question of whether the method we are asked to adopt is correct, democratic, and constitutional. If we in good faith decide these three positions to be such that those who hold them should be confirmed, then I would favor such legislation, but we know why this provision is put in this particular bill. There are provisions in this bill and in other bills to the effect that an employee must make an affidavit that he is not a Communist and does not advocate overthrowing the Government.

Mr. McKELLAR. That is true; both Houses of Congress have adopted such a

provision, but in spite of that, it is contended that the Senate should not pass on the qualifications of these three men, their ability, and whether they make good servants of the people.

Mr. President, I want to say that the next appropriation is for the Health Department of the District of Columbia, and for the courts.

Mr. MURDOCK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. McKELLAR. I yield.

Mr. MURDOCK. I waited until the Senator yielded to other Senators, before interrupting him. I have listened with the utmost interest to the very eloquent argument of the distinguished Senator from Tennessee in presenting the reasons why the Senate should recede from its disagreement to the House amendment. He stated that he was representing the Appropriations Committee in making his very able argument. I hope the Senator before he sits down will take a few minutes to tell me and the other Senators here who have voted with the majority on at least three different occasions, what arguments he used in the conference committee room to convince the House conferees that the Senate was sincere in taking the position it has taken at least three times?

Mr. McKELLAR. Not only I, but every other member of the conference committee on the part of the Senate used every argument which was possible. One of our arguments was that Senators did not believe that this was the proper method of attacking this particular problem; that it might be attacked by impeachment.

Mr. MURDOCK. Mr. President, will the Senator yield for a further question?

Mr. McKELLAR. Yes, I yield.

Mr. MURDOCK. Did the Senator take the time to call to the attention of the House conferees the classic and eloquent argument of one of their own members, Hon. SAM HOBBS, who on the floor of the House, in support of his contention that this is a bill of attainder, made an argument which, in my opinion, is unanswerable? Did the Senator call that to the attention of the House conferees?

Mr. McKELLAR. Indeed, the Senator from Tennessee did. I did not agree with Mr. Hobbs, but, as the Senator has stated, he made an eloquent appeal to stand by the Constitution. I admire and respect him, but I do not agree with him in his argument that this amendment is unconstitutional. When we want to make an argument in favor of something we want very much to do it is a good thing to stand by the Constitution, but occasionally I think the Constitution is used a little carelessly. There is no constitutional question here.

Mr. MURDOCK. I am sure the Senator knows SAM HOBBS; I am sure he knows the ability of SAM HOBBS as a lawyer. Does the Senator believe that SAM HOBBS is the type of man who would argue the unconstitutionality of a proposition unless he was thoroughly con-

vinced of the soundness and correctness of his position.

Mr. McKELLAR. No; I think Mr. HOBBS is one of the most sincere and one of the finest men I know. He is a fine lawyer. I do not think he is always right. I think the Senator from Utah is a sincere, upright, and splendid Senator—

Mr. MURDOCK. I thank the Senator.

Mr. McKELLAR. But I do not always believe as he does and he does not always believe as I do, and he does not believe as I do on this matter.

Mr. MURDOCK. I always regret when I have to disagree with the able Senator from Tennessee.

Mr. McKELLAR. I reciprocate the Senator's statement, but when it comes to a question of whether we are to pay employees of the Government who have committed no act hurtful to anyone, or are to deny nearly \$143,000,000 of appropriations in order to save three salaries, argument along the lines of constitutional interpretation under the circumstances of this case, do not particularly appeal to me. As everyone knows, I am a sticker for the Constitution, but I do not believe this report violates that great instrument in any way. If I did, I would vote against the report.

Mr. MURDOCK. Mr. President, will the Senator yield for a further observation?

Mr. McKELLAR. I yield.

Mr. MURDOCK. My position on this question is that when we violate the Constitution of the United States, when in this body we vote a bill of attainder, then, in my opinion, we hold at naught that for which American boys on the battlefronts of the world today are fighting. We do America, and we do American citizens, an irreparable damage when we violate the Constitution, and if for a few days or a week or I may say even 6 months, the page boys to whom the Senator referred, and all other employees of the Government were denied their salaries, it would be better, in my opinion, to do even that than to cause the irreparable damage which would be brought about by violating under the dome of the Capitol the bill of attainder clause of the Constitution. By agreeing to the House amendment we do just that, in my humble opinion.

Mr. McKELLAR. Of course if I believed that this was a bill of attainder, or if it was violative of the Constitution of the United States, I would vote against the conference report just as the Senator has done. I am not complaining of that vote. I would vote that way, too, if I believed as the Senator does; but I do not believe that this is a bill of attainder. I do not believe that the two Houses of Congress have not a right to deny salary to any employee if they want to do so. I think it is a bad method, but I do not think it is unconstitutional at all. If I did think it was unconstitutional, I would stand by my oath to uphold and defend the Constitution of the United States, and if the Senator from Utah puts it on that ground, then he ought to vote against the conference report. I do not think it is unconstitutional.

Mr. MURDOCK. Mr. President, will the Senator yield for one further observation?

Mr. McKELLAR. I yield.

Mr. MURDOCK. Has the Senator read the Supreme Court citations in the Hobbs speech?

Mr. McKELLAR. No, sir; I have not.

Mr. MURDOCK. If the Senator, after reading those citations, could come on this floor and tell the Senate that this is not a bill of attainder, I should be very much surprised.

Mr. McKELLAR. The Senator might be surprised; all of us are surprised at times; it is now too late to examine these citations, but I think that this is not a bill of attainder, and I do not think it is unconstitutional. I think it was an unhappy way of disposing of the matter until the provision was put in that these men should be appointed by the President by and with the advice and consent of the Senate. That was a complete protection to them.

Now, Mr. President, I desire to refer briefly to some of the others affected by the appropriations in this bill. There are a number of insane people provided for by the bill. Insane people do not amount to anything in the eyes of the Congress; we should turn them down because we want to protect the jobs of three alleged Communists.

Next is the militia. Well, of course, we do not need the militia in this war. We will merely tell them to go to grass—I could use another word, but I will not do so—and tell the old soldiers to go to Hades, and tell all the others, "You cannot contest with the jobs of three men who are charged with being Communists. We will uphold any point, we will vote against anybody, even the worthy pages here, in order to preserve three positions for three alleged Communists."

Mr. President, I am about through, but there are some more employees affected by this bill.

Next is the Department of Agriculture. They have an appropriation. The Department of the Interior, the Bureau of Indian Affairs, the Bureau of Reclamation, the Geological Survey, salaries and expenses of agricultural experiment stations, vocational schools in the Virgin Islands, where one of these men is employed. We are undertaking to appropriate money for them, but we cannot do it, we cannot approve a conference report which gives a fair deal and a fair trial to three men charged with communism. Oh, no; we should rise above it, we should give these three alleged Communists preference over probably 100,000 of our own citizens who do not believe in communism. We prefer to aid and support and keep in jobs the alleged Communists rather than serve our own people.

Next is the Department of Justice. We must not give anything to the Department of Justice. That will never do in the world, because these Communists come first. They come before judges, they come before the salaries and expenses of the Land Division, salaries and expenses of district attorneys, salaries and expenses of marshals, salaries and

expenses of bailiffs. Oh, we will not bother with them, we want to protect the jobs of the three alleged Communists.

Next is penal and correctional institutions. We would not want to appropriate for them. One of these three men might get into one of these penal and correctional institutions one of these days, and we want to save them.

We come next to the Post Office Department. It makes no difference whether our boys get letters or not; oh, no, turn them down, disregard them, we have to save the places of three alleged Communists. And there is the office of the Second Assistant Postmaster General.

The Department of State: We should not bother about the Department of State when we have the jobs of three alleged Communists to deal with.

Treasury Department: Of course, the Treasury Department has nothing to do anyway. We should not want the Treasury Department now. There is no necessity for bonds—oh, no. We are in a war it is true, and we need all the money we can get, as it looks to most people, but not now. Oh, no, we must protect these alleged Communists.

Next is the judiciary, then the executive offices of the President, the National Board of Economic Welfare, the Selective Service System, grants to States for the Employment Service. We must not take care of that. We must look after these three alleged Communists. We must see that they are tried in a way peculiar to them.

Salaries and expenses of the War Planning Power Commission, War Production Board, independent establishments, Civil Service Commission. Oh, no. What do we need with the Civil Service Commission? These three men are probably under the civil service already, and we do not need to give them any more money.

Federal Communications Commission, Interstate Commerce Commission, Advisory Committee on Aeronautics, National Labor Relations Board: Well, the National Labor Relations Board does not need any money. At any rate, whether they need it or not, we will not give it to them, as long as these places of three admitted, alleged Communists, are at stake.

Veterans' Administration: Listen to this, Veterans' Administration, \$6,775,000. Oh, we will not give it to them; oh, no, no, no. To Hades with the Veterans' Administration. We will not give it to them.

Federal Security Agency, Howard University, Federal Works Agency: Oh, we will give them nothing. Turn them down. Vote against this report, and turn it down, send it back to conference for the fifth or sixth time, whatever it is. Of course, the members of the Appropriations Committee have nothing to do but to go to conference. They have nothing to do but to work. That does not make any difference. Turn them down, let them go.

Salaries and expenses, Public Buildings and Grounds in the District of Co-

lumbia—total, work agencies, \$3,812,000. Do not give them money. They are home people, they are people against whom, so far as we know, no charges have been brought. Why give them anything? Save the money, save the jobs for three alleged Communists.

I believe that takes in most of the appropriations, \$143,000,000 for all the departments of the Government, or virtually all of them.

Mr. President, with this presentation I wish to make a plea to the Senate to ratify the report. These appropriations will not be made otherwise, because the House has just voted on the matter again—4½ to 1—and unless the report is agreed to, we will have no bill. I leave the matter with the Senate.

Mr. CLARK of Missouri. Mr. President, I think that nearly everyone who knows the Senator from Tennessee and myself is aware of the deep affection which has existed between us for so many years, since the Senator from Tennessee first came to the House of Representatives and I was a little boy.

Mr. McKELLAR. The Senator will concede that was a long time ago, I imagine.

Mr. CLARK of Missouri. It was a long time ago, when I was a little boy and when the Senator from Tennessee first entered on his long and invaluable service in the Congress of the United States. The Senator remembers me as a small boy, and I remember him as one of the most brilliant prospects for legislative service to enter the House in many, many years.

Mr. McKELLAR. Was not the Senator from Missouri parliamentarian about the time I served in the House, a good many years ago?

Mr. CLARK of Missouri. Yes.

Mr. McKELLAR. That is what I thought.

Mr. CLARK of Missouri. However, I feel it incumbent on me to say that, with all my affection and respect for the distinguished Senator from Tennessee, I think we have just listened to the most specious, the most illogical, the most outrageous argument from his mouth that it has ever been my pleasure, or my burden, to hear on the floor of either branch of Congress.

Mr. President, the Senator from Tennessee has undertaken to make an issue between the page boys on the floor of the House and the Senate, and the violation of the whole theory and principle of the Constitution of the United States and the Bill of Rights. I do not yield to the Senator from Tennessee or anyone else in my affection for the boys who serve as pages in the Senate or the House. When I was a small boy myself I knew intimately some of the pages, who have since risen to great heights, but I do not think the question of the continuation of the pay of the pages in the Senate or the House of Representative for a day or two is any justification for the application of lynch law in violation of the Constitution of the United States.

Then the Senator from Tennessee undertakes to say that if one believes to any extent whatever in the principle of the education of colored people, as has

been heretofore evidenced by Federal support of Howard University, he must then agree to violate the Constitution of the United States by bringing in a bill of attainder.

Mr. McKELLAR. Mr. President, the Senator does not want to do me an injustice. I have never said anything like that. I said quite the contrary. I said that if I believed that the provisions in the pending report were violative of the Constitution, I should be opposed to it.

Mr. CLARK of Missouri. The Senator did say that, but let me say to the Senator that he has out-Magellanned Magellan. Magellan is supposed to have circumnavigated the globe only once. In connection with the very bill we are considering, the Senator from Tennessee has gone twice around the globe.

The Senator started out by making the best speech made on the whole controversy in the Senate, when he presented the amendment of the Senate committee to strike out this House provision. Then the Senator came back to the Senate to obtain consent for a provision which he said was necessary in order to obtain agreement on the conference report. Then he came back with another conference report. We have had so many of them that, although I have a very accurate memory, I have almost lost track of them. The Senator from Tennessee really has not only gone around the globe twice; he is back on the other side of the globe now, because he is asking the Senate to sit as a jury or as a court of judgment on matters which have never been presented to it.

Let me say before I pass on to something else, that the Senator from Tennessee a moment ago held up a pamphlet which I had never before seen. He claims it contains evidence to sustain the position taken by the House. I have never before seen it. The Senator never sent it to me.

Mr. McKELLAR. Mr. President, I asked that a copy be sent to every Senator, and I have been advised since that a copy was sent to every Senator.

Mr. CLARK of Missouri. I will say to the Senator from Tennessee that I have never seen the pamphlet to which he refers; and if I had seen it, I would not pay the slightest attention to it, because I would not convict a dog unless I had an opportunity personally to hear the testimony.

Mr. McKELLAR. The document contains the testimony of the three individuals themselves.

Mr. CLARK of Missouri. If the Senator will permit me a moment, I will say that I should like to have the opportunity of reading the evidence, and hearing the testimony, and asking any questions I may desire to ask. I will say that I have never had the opportunity of reading this bulky pamphlet to which the Senator has referred. It must contain 175 pages.

Mr. LANGER. Three hundred and eighty pages.

Mr. McKELLAR. Yes; 380 pages.

Mr. CLARK of Missouri. It would take me at least a day and a half to read it. I have never seen it before. But if I had, Mr. President, it would not change my

view in the very least. I would not convict a dog on that sort of testimony.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. McKELLAR. It contains the testimony of the three men themselves. They did the testifying. The Senator says that he would not convict or pass upon a case presented by the three men themselves and by nobody else. They are the only ones who testified, the only three witnesses who appeared.

Mr. CLARK of Missouri. Mr. President, when the Senator in charge of the bill made the motion that the committee amendment eliminating the House provision be agreed to, he himself said—I do not think I misquote the Senator from Tennessee, though I do not have the RECORD immediately before me—that he did not believe in such star-chamber proceedings; that nothing had been presented—

Mr. McKELLAR. Oh, no, Mr. President.

Mr. CLARK of Missouri. That nothing had been presented to the Senate committee which would justify him in arriving at such a conclusion.

Mr. McKELLAR. Oh, no, Mr. President; I said that I did not believe that the method pursued by the House was the best method to be pursued in reaching this result, but I did not say that I—

Mr. CLARK of Missouri. Let me say that the Senator is conducting himself as a witness. Let me ask the Senator, at the time the appropriation bill was first considered in the Senate, had the Senator seen any evidence which justified him in excluding these men from office?

Mr. McKELLAR. I had seen this very document.

Mr. CLARK of Missouri. Then the Senator made one of the most eloquent speeches against the inclusion of the House provision I have ever heard in the Senate.

Mr. McKELLAR. No; my position is the same as it has been all the time, all the way through. The Senator did not hear me when I spoke before.

Mr. CLARK of Missouri. Yes; I heard the Senator speak, and I backed him up so far as I could.

Mr. McKELLAR. I know the Senator would not want to do me an injustice, but he is doing me an injustice, because I took the position that in view of the fact that the Senate had stricken out this provision, I would not agree to the conference report.

Mr. CLARK of Missouri. Wait a minute. I am referring now to the time when the Senator himself proposed that the Senate disagree to the House provision. He made that proposal in his capacity as acting chairman of the Appropriations Committee.

Mr. McKELLAR. It was my duty to do so. The Senate had stricken out the provision.

Mr. CLARK of Missouri. The Senator made a very eloquent speech on the subject.

Mr. McKELLAR. I would not yield on the proposal until I had brought it back to the Senate, but when I found

that there was utterly no chance to have any bill, that all other persons and institutions provided for in the appropriation bill would be injured and deprived of that which was justly coming to them, when the House was adamant on the subject, I took the position I did. I have been in enough conferences with the House to know something about them. I see one of the House Members standing on the floor of the Senate now. He is one of the finest Members of the House, Representative RABAUT, and he will verify what I say—he cannot say it on the Senate floor, but he knows it to be true.

Mr. CLARK of Missouri. Mr. President, I happen to have the floor.

Mr. McKELLAR. The Senator yielded to me.

Mr. CLARK of Missouri. If the Senator wants to pay a tribute to LOUIS RABAUT I will be very glad to join in it, although I think as a singer his services are much better than they are in his capacity as a conferee on this particular matter.

Mr. McKELLAR. I did not like the way he stood out for the House provision, but not only Representative RABAUT but every other conferee on the part of the House stood out for the House provision, and if we are to have a bill the only way we can have it is to agree to the conference report.

Mr. CLARK of Missouri. The Senator from Tennessee very courteously asked me not to make a speech in his time, and I now ask him not to make a speech in mine.

Mr. McKELLAR. Very well.

Mr. CLARK of Missouri. Mr. President, the whole argument which has been made in this boxing of the compass, this double boxing of the compass—

Mr. McKELLAR. Make it fivefold or tenfold.

Mr. CLARK of Missouri. This circumnavigation of the globe in which the Senator from Tennessee has been indulging—the only justification the Senator has offered for a change in his own position is that he says it is an issue between three individuals whom the Senator does not like very much and whom I do not like any better—

Mr. McKELLAR. I do not know them.

Mr. CLARK of Missouri. Wait a minute. I do not either. I never saw any one of the three. The Senator says that the issue is between them and Howard University, or the Veterans' Bureau, or the little page boys in the House and Senate.

Mr. President, the Senator from Tennessee knows that he now has under consideration, and his committee has under consideration, a second deficiency bill which will be considered by the Senate before this session ends, and must necessarily be considered before this session ends, and when that second deficiency measure comes before the Senate every item in the urgent deficiency bill, except controverted legislative provisions, will be in order on the second deficiency appropriation bill.

I will say to the Senator from Tennessee that it is my full intention when he brings before the Senate the second defi-

ciency appropriation bill, to offer all the bona fide appropriation provisions of the pending bill to the second deficiency appropriation bill, and if that should be adopted by the Senate, these outrageous, infamous legislative provisions would be subject to a point of order by any Representative or Senator in either House of the Congress.

So the Senator is absolutely unfair in my opinion—I do not mean that in any opprobrious sense—the Senator is absolutely erroneous when he states that to provide funds to pay the salaries of the page boys in the House of Representatives and in the Senate of the United States, or to provide funds for Howard University, or for the Veterans' Administration, or for any of the other functions which the Senator in his long speech enumerated, it is necessary for us to yield to the House of Representatives on a great constitutional point, a matter of fair trial for anyone, as provided by the Constitution of the United States, I say that when he says that, the Senator is talking beside the point.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. Mr. President, I shall yield to the Senator in a moment. If the House of Representatives is so insistent in its attitude that these three men, for none of whom I hold any special brief whatever, have been guilty of subversion, the House has a process provided by the Constitution of the United States, cumbersome to be sure, but nevertheless deadly in its effect, of instituting a procedure by impeachment, and if the House of Representatives feels strongly enough to institute impeachment proceedings, and such proceedings come to the Senate, I will hear them as a judge; I will be sworn on my own oath, not my ordinary oath as a Senator, but my special oath as a judge of the court of impeachment, which I have taken several times.

When that happens, I will listen to the evidence and make up my own mind according to my oath as a judge. But I am not willing, and I will never be willing, either now or hereafter, to vote to convict a man practically on a bill of attainder, without giving him an opportunity to appear before me, not before some subcommittee of the House, and to have an opportunity to hear the evidence and cross-examine the witnesses against him.

Mr. President, when this matter first came in, the Senator from Tennessee very frankly admitted there was not any difference between the present issue and the issue which has been presented several times before the Senate, except for the insistence of the Senator from Tennessee that the Senate has to yield because the House is insistent.

I have pointed out the way in which the Senate can act, in which event the House could not refuse to act without taking the responsibility for defeating all the items in both the urgent deficiency bill and the second deficiency bill.

Mr. McKELLAR. Mr. President, I greatly regret that the Senator from Missouri is not a member of the con-

ference committee, as it is so easy for him to tell us how the matter could be handled. Let me say that the very matter the Senator has presented has been thoroughly considered on all sides, and we were informed by the committee that no bill would pass that did not contain—

Mr. CLARK of Missouri. Mr. President, if that be true, I am in favor of meeting that issue head on, and letting the House of Representatives take the responsibility.

Mr. McKELLAR. We have met it head on, all the time.

Mr. CLARK of Missouri. As I have listened today to the eloquent defense of the Senator from Tennessee of Howard University and the Veterans' Bureau and the page boys, I have wondered who actually presented the case of the Senate in the conference. Of course, I was not there.

Mr. President, let me say further that I was present night before last when the Senator from Tennessee attacked the majority leader and the minority whip on the theory of not standing behind the Appropriations Committee. I thought my memory was correct at that time, but I did not wish to inject myself into the debate to the extent of asking the Senator from Tennessee about the matter. However, it seemed to me that I remembered that just a few days before, when the matter of the National Resources Planning Board was before the Senate, the Senator from Tennessee himself led the raid on the position of his own committee.

Mr. McKELLAR. Mr. President, the Senator should be fair.

The committee was evenly divided in that case; and under the circumstances I gave notice, in accordance with the rules of the committee, of the position I would take. But the vote in the committee was evenly divided. The matter was lost on a tie vote.

Mr. CLARK of Missouri. Very well.

Mr. President, yesterday it was necessary for me to be absent from the Senate for several hours because my oldest boy was leaving to report to the Marine Corps, in which he had enlisted sometime previously. Consequently, I was late in reaching the Chamber for a vote, and was not permitted to participate in the debate.

What was my shock and chagrin and surprise to learn that my dear friend the Senator from Tennessee, who had lectured us all, and who has lectured us so often on the theory of standing behind the Appropriations Committee, and who had repudiated the majority leader and the majority whip, not to mention such small fry as myself, because we do not always stand behind the Appropriations Committee—what was my surprise, chagrin, and shock to find out that during my absence—and I would have called attention to the matter if it had been possible for me to be on the floor at that time—my distinguished friend the Senator from Tennessee had not only participated but was one of the ringleaders in the attempt to ride over the Appropriations Committee on the matter of the O. W. I.

Therefore, Mr. President, I say this matter is not one which involves the prestige of the Appropriations Committee. I believe in standing by the Appropriations Committee when it is right. I believe in riding over it when it is wrong. I believe that as to any other committee.

Mr. President, I say the Senate has acted on this same question on four different occasions, and that as a matter of decent self-respect, not to mention respect for the constitutional processes which have made this Government great, the Senate should adhere to its position, and should reject the conference report. If the House wants to take the responsibility of denying the page boys and Howard University and the Veterans' Bureau and the other agencies mentioned by the Senator from Tennessee, it should have the responsibility for doing so placed right in its lap.

Furthermore, Mr. President, I say it is not necessary to pursue even such a policy as that; because, if the Senate will put in the second deficiency bill, which the Senate will have to consider before the session ends, every item of appropriation contained in the urgent deficiency bill which is not subject, in the House of Representatives, to a point of order as an original proposition, the House will not be able to get away with the position it has taken.

The PRESIDING OFFICER (Mr. McFarland in the chair). The question is on agreeing to the conference report.

Mr. TOBEY. I ask for the yeas and nays.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Guffey	Radcliffe
Andrews	Gurney	Reed
Austin	Hawkes	Revercomb
Ball	Hayden	Reynolds
Bankhead	Hill	Robertson
Barkley	Holman	Russell
Bone	Johnson, Colo.	Scruggam
Brewster	Kilgore	Shipstead
Bridges	La Follette	Smith
Brooks	Langer	Stewart
Buck	Lodge	Taft
Burton	Lucas	Thomas, Okla.
Butler	McCarran	Thomas, Utah
Byrd	McClellan	Tobey
Capper	McFarland	Truman
Caraway	Maloney	Tunnell
Chandler	Maybank	Tydings
Chavez	Mead	Vandenberg
Clark, Mo.	Millikin	Van Nuys
Connally	Moore	Wagner
Danaher	Murdock	Wallgren
Davis	Murray	Walsh
Downey	Nye	Wherry
Eastland	O'Daniel	White
Ferguson	O'Mahoney	Willis
George	Overton	Wilson
Gerry		

The PRESIDING OFFICER. Eighty Senators have answered to their names. A quorum is present.

The question is on agreeing to the conference report.

Mr. CLARK of Missouri, Mr. McKELLAR, Mr. TOBEY, and other Senators asked for the yeas and nays.

CONTINUATION OF COMMODITY CREDIT CORPORATION

Mr. TAFT. Mr. President, the President has just vetoed the Commodity

Credit Corporation bill, and the message has been read in the House of Representatives.

Serious differences regarding the inflation-control problem between the Executive and Congress, as well as between various executive departments, threaten a break-down of the entire program so necessary to success on the home front. Since there is no difference as to the end sought, it should be possible to reach some agreement on methods. In the passage of the Commodity Credit bill Congress did not prohibit subsidies, but simply provided that a program involving the expenditure of vast sums of money should not be undertaken without first securing authorization from Congress. The President has seen fit to veto this bill, but from a reading of the message it seems to me that he does not insist upon any right to expend unlimited sums without constitutional restraints, for in the message itself he says:

I sincerely hope that if the Congress cannot agree before its recess on legislation which will remove the serious defects in this bill it will pass a joint resolution continuing the life of the Commodity Credit Corporation and providing the increase in borrowing power until the Congress has time to agree upon an appropriate measure. The officials of the executive departments will welcome an opportunity to furnish information and be of assistance.

It seems to me that, regardless of the action the House may take on this veto message, the Senate should postpone immediate consideration of the bill and defer consideration, at least temporarily, pending an immediate attempt to reach an agreement at least on a temporary program for the remainder of 1943. I feel convinced that an agreement could easily be reached before Tuesday or Wednesday of next week, when the Congress will probably take a recess. I think it is extremely important that we make an attempt to do so. It seems to me that we should undertake a conciliatory move to agree with the executive department for the purpose of avoiding an irreparable breach.

Mr. BARKLEY. Mr. President, I wish to say to the Senator from Ohio and to the Senate that we cannot tell yet what the House of Representatives will do with the veto. It is now preparing to vote on it. If the House sustains the veto, I am satisfied that a continuing resolution will be presented with respect to the Commodity Credit Corporation, and I have every reason to believe that we can come to an understanding with reference to the situation discussed by the President in his veto message. That would take care of the situation until the recess is over, if one is taken.

Mr. TAFT. I thank the Senator.

URGENT DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. BANKHEAD (after having voted in the affirmative). I have a general pair with the senior Senator from Oregon [Mr. McNARY]. I am advised that if present he would vote as I have voted. I therefore allow my vote to stand.

Mr. HILL. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Virginia [Mr. GLASS], and the Senator from New Mexico [Mr. HATCH] are absent from the Senate because of illness.

The Senator from Montana [Mr. WHEELER] is detained in one of the Government departments on matters pertaining to his State.

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Idaho [Mr. CLARK], the Senator from Rhode Island [Mr. GREEN], and the Senator from Florida [Mr. PEPPER] are detained on important public business.

The Senator from Iowa [Mr. GILLETTE] is necessarily absent.

I am advised that if present and voting, the Senator from Florida [Mr. PEPPER] and the Senator from New Mexico [Mr. HATCH] would vote "nay."

The Senator from Iowa [Mr. GILLETTE], who, if present, would vote "yea," is paired with the Senator from Louisiana [Mr. ELLENDER], who, if present, would vote "nay."

The Senator from Mississippi [Mr. BILBO], who, if present, would vote "yea," is paired with the Senator from Rhode Island [Mr. GREEN], who, if present, would vote "nay."

Mr. WHITE. The Senator from Oregon [Mr. McNARY], who is necessarily absent, has a general pair with the Senator from Alabama [Mr. BANKHEAD].

The Senator from New Jersey [Mr. BARBOUR], and the Senator from Idaho [Mr. THOMAS] are necessarily absent.

The Senator from South Dakota [Mr. BUSHFIELD] is absent on official business as a member of the Indian Affairs Committee.

The Senator from California [Mr. JOHNSON] is absent because of illness.

The Senator from Wisconsin [Mr. WILEY] is absent on official business.

The result was announced—yeas 48, nays 32, as follows:

YEAS—48

Andrews	George	Revercomb
Austin	Gurney	Reynolds
Bankhead	Hawkes	Robertson
Brewster	Hayden	Russell
Bridges	Holman	Scruggam
Brooks	Johnson, Colo.	Smith
Buck	Lodge	Stewart
Butler	McCarran	Taft
Byrd	McClellan	Thomas, Okla.
Capper	McFarland	Tydings
Caraway	McKellar	Vandenberg
Chavez	Maybank	Van Nuys
Connally	Moore	Walsh
Danaher	Nye	Wherry
Davis	O'Daniel	White
Eastland	Reed	Wilson

NAYS—32

Alken	Chandler	Guffey
Ball	Clark, Mo.	Hill
Barkley	Downey	Kilgore
Bone	Ferguson	La Follette
Burton	Gerry	Langer

Lucas	O'Mahoney	Truman
Maloney	Overton	Tunnell
Mead	Radcliffe	Wagner
Millikin	Shipstead	Wallgren
Murdock	Thomas, Utah	Willis
Murray	Tobey	

NOT VOTING—16

Bailey	Gillette	Pepper
Barbour	Glass	Thomas, Idaho
Bilbo	Green	Wheeler
Bushfield	Hatch	Wiley
Clark, Idaho	Johnson, Calif.	
Ellender	McNary	

So the conference report was agreed to.

Mr. O'MAHONEY subsequently said: Mr. President, in explanation of the vote which I cast a few moments ago on the conference report, and in explanation of similar votes which I cast when this matter was previously before the Senate, I desire to quote one sentence from the constitution of the State of Wyoming. It reads as follows:

Absolute, arbitrary power over the lives, liberty, and property of freemen exists nowhere in a republic, not even in the largest majority.

Mr. McKELLAR. Mr. President, the clerk of the committee tells me that there is no validating clause in the bill which will reach back to the 1st of the month, and that the last amendment which was agreed to should have been insisted upon. I ask that the vote by which the Senate receded be reconsidered, and that the Senate further insist on the amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

DESIGNATING A PRESIDING OFFICER

The PRESIDING OFFICER. The Secretary will read a letter.

The Secretary (Edwin A. Halsey) read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., July 2, 1943.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SCOTT W. LUCAS, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

CARTER GLASS,
President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House adhered to its disagreement to the amendments of the Senate Nos. 98 and 99 to the bill (H. R. 2481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1944, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore:

S. 1409. An act to increase by \$300,000,000 the amount authorized to be appropriated for defense housing under the act of October 14, 1940, as amended, and for other purposes; H. R. 2349. An act to adjust the pay status of warrant officers temporarily commissioned in the Army of the United States;

H. R. 2943. An act to provide for the disposal of certain records of the United States Government;

H. R. 3026. An act relating to appointments to the United States Military Academy and the United States Naval Academy in the case of redistricting of congressional districts; and

H. J. Res. 139. Joint resolution consenting to an interstate oil compact to conserve oil and gas.

CONFUSION IN GOVERNMENTAL AGENCIES

Mr. DAVIS. Mr. President, I wish to take this opportunity to say that the recent resignation of Chester C. Davis as War Food Administrator has once again brought to light the serious and inexcusable confusion which attends the food-production effort of this Nation. Any concerted continuation of the administrative chaos which now marks this program can serve only to undermine the confidence of our people, leave our food-production program in a state of intolerable disorganization, and bring immeasurable damage to the war effort of this Nation and to that of our allies.

On all sides we see a multiplication of regulations and restrictions often inconsistent with each other. To meet new situations we have seen new boards, agencies, and departments piled up. This type of regulation can only foster uncertainty and encourage violations, willful or otherwise, of laws and orders.

Admitting for the moment that prosecution of the present war involves vastly more details and consequences than did the last war, and that there must inevitably be a greater degree of regulation, it does not follow that administration must be inefficient. It has been one of our sources of national pride that the business and other organizations of the country knew how to handle quickly big jobs. Certainly in the midst of our most critical war we must not lose this ability or permit it to be taken from us by default.

It is only too true that the present administrative machinery is cumbersome, wasteful, dilatory, inefficient, and confused. The net result has been less domestic production, and more acute shortages of necessities. First, we saw gasoline and fuels run low. Next we saw rubber practically disappear. Now we are witnessing an increasing food shortage. We must be vitally concerned that proper steps are taken quickly to alleviate these situations.

Early in the war the administration realized that manufacturers could not be permitted to bid against each other for raw materials and resources without restraint. We also realized that consumers must not be permitted to hoard or use foods and other necessities to the detriment of other consumers. We also realized that the needs of the armed forces must be met first.

On these premises, agencies were set up to devise regulations along functional lines. Control of production was centralized; control of distribution was centralized; control of prices, labor conditions, imports, and transportation likewise was centralized. New and untried

agencies were reared to exercise such controls.

In remarkably short time, these agencies came into conflict with one another. This was inevitable because there was no perfect, no consistent administrative plan. Men newly given administrative powers inevitably tried to operate a segment of government with the complete disregard of other segments, in much the same manner as they had been accustomed to operate an independent business. It is probably only fair to add, that these men operated with the best of intentions and patriotism, as they understood the functions of their agencies.

However, the lack of a plan of administration has become more evident at every turn. Each agency now realizes that it cannot accomplish its purpose because some vital bit of authority has been withheld, or else it exists in an unrelated independent agency. Effective liaison between the agencies is now practically nonexistent.

As drains on manpower and resources became increasingly severe, so shortages were accentuated. Where a few shortages became most critical, the administration created still further agencies. We saw the creation of a few commodity czars. Mr. Ickes was given the unpleasant task of trying to straighten out the fuel mess. I might add that I think Mr. Ickes is a very fine administrator. Mr. Jeffers was given the less attractive job of producing more rubber. More recently, Mr. Wickard, Mr. Davis, and now Mr. Marvin Jones have been given the more spectacular, though inevitably more complex assignment of increasing production of food.

While these appointments seemed necessary to some persons at the time, we are now faced with the realization that their creation is inconsistent with existing agencies. To use a hackneyed illustration, administrations which had been set up functionally along horizontal lines were suddenly upset by organizations set up along vertical lines. Each new czar cut squarely across the maze of existing agencies.

These appointments are but further evidence of poor preceding organization and the lack of understanding of proper administration. They are intrinsically inconsistent and must create increasing confusion the longer they are in operation. The preceding agencies were set up to coordinate; the czars are set up to break coordination. This hit-or-miss makeshift adoption of expedients can lead but to one of two results. If the czars do not operate ruthlessly and without regard for other programs, their programs will be submerged by the existing agencies. If they do operate ambitiously, their programs throw out all coordination and wreck the work of the functional agencies. Both results mean more confusion, more waste and delay.

The administration must have a wiser plan than this. A saner approach must be taken toward simplification. And this must be done quickly.

In the case of food, as Mr. Hoover pointed out, there are at least nine dif-

ferent independent agencies operating, competing, I might say, in the fields of production and distribution. With regard to other commodities, there may be more or less. A commodity czar has, therefore, an almost impossible assignment, unless the administrative set-up is efficient and effective.

The confusion and overlapping among the present agencies is just as bad domestically as it is in foreign fields. However, since the volume and type of materials produced abroad which we now need is much smaller than domestic production, this field offers the easier area of first simplification of administration.

The controversy between my good friends Mr. WALLACE and Mr. Jesse Jones points clearly to me the need for simplification and consolidation of administration in foreign fields. Anyone familiar with functions performed by several other agencies in the foreign field must realize that there are many other fundamental differences of opinion, and operations at cross purposes, which, fortunately, have not burst into the open quite so violently.

I am convinced that the dispute between Vice President WALLACE and Mr. Jesse Jones, Secretary of Commerce, must be resolved by giving one or the other right of way. But I am just as convinced that this is only a partial answer to the muddled situation in foreign production and procurement. Allowing either one supremacy of operations does not, in the least, tend to reduce friction with other agencies. For instance, it would not at all aid foreign production of foodstuffs, which is now being purchased through an entirely different procurement corporation, in the Department of Agriculture, and is not related at all to the Reconstruction Finance Corporation group of corporations under the control of Mr. Jones.

Considering for a moment longer the various administrative agencies concerned with foreign production, procurement, and distribution of food, the number which I can call to mind is absurdly high, and many have apparently inconsistent interests and policies.

There are at least 19 different departments, boards, or agencies actively engaged in promoting or regulating foreign production. The mere recital of their names will be sufficient to illustrate the cross purposes and confusion which attend their efforts. There is the Department of State, 4 divisions of the Department of Agriculture—Foreign Agricultural Relations, Commodity Credit Corporation, Committee on Foreign Importation and Subcommittee of Combined Food Board—Combined Food Boards, Army, Navy, Department of Commerce—R. F. C. subsidiary corporations—Office of Price Administration, Office of Lend-Lease Administration, Coordinator of Inter-American Affairs, Lehman's Post-War Rehabilitation, War Production Board, material czars—Ickes, Jeffers, and Jones—and Board of Economic Warfare.

I am not certain that I have included all of the more important agencies presently functioning in foreign procure-

ment or production or for other purposes. At any rate, the illustrations I have cited are sufficient to prove my point, which is that there is abundant operation at cross purposes, and it is likely that foreign production and flow of materials is thereby falling far short of what could be expected.

Mr. President, you and I and all the rest of the American people are paying extravagantly for this situation; generations yet to come will still pay. We owe it to ourselves and those who follow us to bring order out of this chaos.

Mr. President, the American people in all walks of life are growing restive and disturbed at the spectacle of the administrative chaos which I have just outlined. Only yesterday the two outstanding farm organizations in my State—the Pennsylvania State Association of Cooperative Organizations and the Pennsylvania State Council of Farm Organizations—went on record as demanding the concentration of all regulatory powers in one authority in Washington, the abandonment of social experimentation at the expense of agriculture, and the abandonment of any program of subsidy-financed roll-backs on agricultural food prices. Pointing to the mismanagement, the ill-defined administrative program of the Government, the divided authority and responsibility which now attend this program, these organizations flatly stated that this Nation will be faced with a great shortage of food next winter.

Mr. President, it is a cardinal principle of public administration that authority must be commensurate with responsibility in a given position. This principle is conspicuous by its absence in nearly all the programs of the present administration. The letter of resignation submitted to the President by Mr. Chester Davis, War Food Administrator, made specific mention of this fact, and only yesterday another example of conflicting authority and divided responsibility, to which I have previously referred, caused a not inconsiderable disagreement between two men well up in the administration's policy-making hierarchy.

These concerted denials of the fundamental principles of public administration by this Government can only lead to further bickering, further tension, and further chaos, and since nearly all these governmental programs are directly related to the prosecution of the war, and to the welfare of our armed forces and our civilian population, a wholesome respect for the millions of people who support the Government demands a realignment of these administrative programs on the basis of recognized principles of public administration, which, incidentally, are also the principles of efficiency and economy.

Mr. President, there is no more vital program now confronting this Government than the program of food production. It is imperative and urgent that that program be reorganized and set properly in motion on the basis of recognized administrative principles. The immediate need, therefore, is to place the entire food program—production, rationing, marketing, and every other aspect of that program—under a coherent and

clearly defined administrative set-up, and, what is more, to give to the administrators concerned all the authority necessary to meet the responsibilities which their respective positions entail. If this step is not immediately forthcoming, no man can say what proportions the impending food crisis may attain.

Mr. President, there are a number of capable and experienced men who could bring order out of the chaos which now surrounds the entire food program, if they could but be assured of appointment on these sound and necessary bases. Probably the most outstanding man for this particular job is former President Herbert Hoover. In view of my long association with the man, I hesitate to inject his name into this picture, but it is a widely recognized fact that Mr. Hoover commands a broad knowledge of the food-production problems not only of this country but of the rest of the world as well. The broad experience which he has achieved, both as Food Administrator during the last war and as a public servant for a great number of years, eminently qualifies him for this all-important position. I call upon the administration to make use of the ability and experience of such men as Mr. Hoover in this hour of peril to our Nation's food-production program and to our Nation's over-all war effort.

Mr. President, I call attention to an editorial which appeared in the June 30 issue of the Philadelphia Inquirer as an indication of the widespread public resentment which has grown up in protest to the present administrative arrangement of our Government, and as an indication of the widespread public acceptance of those reasonable and reliable methods of overcoming these shortcomings which have been put forward by Mr. Hoover and other qualified observers, and I ask unanimous consent to include the editorial in the RECORD as a part of my remarks.

THE PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONGRESS MUST END FOOD CRISIS

When Chester C. Davis was appointed 3 months ago to head the new agency of War Food Administration, the Inquirer remarked that it was by no means sure that the answer had been found to the grave national problem.

Under the terms of the new set-up the danger of divided authority was evident. This has now come to pass. With declining production, faulty distribution, prices soaring beyond reason, conflicting official policies, and a bunch of Government agencies working at cross purposes, the food situation has gotten into such a muddle that Mr. Davis has been impelled to throw up his hands and quit.

Mr. Davis' letter of resignation, it is now belatedly disclosed, had lain on the President's desk ever since June 16, and was still awaiting acceptance, unknown to the Senate, on the very day that body was discussing and voting an end to the administration's program of future food subsidies and decreeing that existing subsidy payments should be put under Mr. Davis' control.

In this letter Mr. Davis declared that he could no longer assume a great public re-

will as reported it will be possible to increase the height of such works to a point indicated by actual flood experience as necessary to provide complete protection.

I am glad to have had an opportunity to collaborate with the gentleman and his committee and trust we can secure prompt and favorable action under the authorization of the pending bill when the last deficiency appropriation bill is returned from the Senate.

Both the House and Senate portions of the gentleman's bill provide an authorization for an appropriation of \$10,000,000. In view of that fact and in anticipation of favorable action on the bill I am told the Senate has already inserted in the second deficiency bill an appropriation of \$10,000,000 for this purpose which was added on by Senator CLARK which, I have no doubt, the House will approve.

I include, as of particular interest to those sections drained by the Missouri River, a letter just received from Major General Reybold:

JULY 1, 1943.

Hon. CLARENCE CANNON,
House of Representatives,
Washington, D. C.

MY DEAR MR. CANNON: The Department has received your letter of May 29, 1943, with reference to improvements on the Missouri River. In accompanying letters the opinion is expressed that improvements for navigation conflict with those for flood control and comments upon the effectiveness of reservoirs for flood-control purposes. It is urged that levee protection along the Missouri River be provided as early as possible. In your letter you ask for information on these subjects and for the comments of the Department on these remarks about flood-control reservoirs.

The Department has made extensive investigations of the navigation and flood-control problems in the Missouri River Basin and has recommended improvements to Congress for the solution of a number of those problems. Navigation improvements which have been authorized by Congress and constructed by this Department have been successful by providing a channel in a definitely fixed location in the flood plain of the river. The Fort Peck Reservoir, recently completed in the headwaters of the basin, now provides a regulated minimum flow in the channel to insure sufficient depth for navigation purposes and, in addition, provides storage capacity which reduces substantially the flood flows downstream.

The Flood Control Acts of June 22, 1936, June 28, 1938, and August 18, 1941, authorize the construction of a number of flood-control works throughout the Missouri River Basin, of which the more important are a comprehensive plan of reservoirs for flood control and other purposes and systems of levees and other protective works between Sioux City and Kansas City and at the Kansas City. The Department is now making additional investigations of the need for further improvements for flood control in this basin, and such further improvements as may be recommended as a result of those investigations will be submitted to Congress at the earliest practicable date. The improvements both for navigation and flood control so far accomplished have constituted the first step for the development of the Missouri River for flood control, navigation, and other beneficial purposes.

Before the Missouri River Valley was settled the river during floods overflowed the channel banks and spread out over the flood plain, which thus served as a reservoir temporarily holding back a large portion of the

flood waters until the waters in the lower part of the valley receded. As settlement of the valley progressed there has been a continuous encroachment by the works of man on the flood plain which reduced this temporary reservoir capacity and increased flood heights all along the river. These man-made works include highways, railroads, bridges, levees, and many other types of structures which have become of increasing importance to the economic progress of the valley. This has created the problem not only of overcoming the loss of natural storage in the valley but also of providing adequate flood protection for the encroachments upon that natural storage wherever such protection is economically and physically feasible.

Adequate flood protection in the Missouri Valley cannot be provided by levees alone, but it can be satisfactorily accomplished by a balanced plan of storage reservoirs, levees, and channel improvements. In some of the reservoirs it will be possible to utilize the water resources at those sites for the development of hydroelectric power without sacrificing the usefulness of the reservoirs for the necessary storage of water for flood-control purposes. The improvements now authorized for flood control, navigation, and other purposes in the basin form an essential first unit of the overall development needed for the control of the many water problems which exist in this basin. When completed, those improvements will afford a substantial degree of flood protection for many of the areas which have been damaged so heavily during past floods.

As you are undoubtedly aware, existing policies on wartime construction established by higher authority preclude the initiation of construction of additional public-works improvements during the war, unless a definite showing can be made by the Federal war agency directly concerned with the facilities to be protected that the construction work is essential to the war effort. The purpose of these limitations is, of course, to conserve critical materials, construction equipment, and manpower for the successful prosecution of the war.

You may be assured that the Department is prepared to undertake the further accomplishment of the adopted plan of reservoirs and local protection works for flood control and other purposes in the Missouri River Basin as soon as the existing limitations on public-works construction are removed, subject to the availability of authorizations and funds.

I am pleased to state that section 5 of the Flood Control Act approved August 18, 1941, authorizes the Secretary of War to allot from flood-control appropriations not to exceed \$1,000,000 for any one fiscal year, to be expended in rescue work or in the repair or maintenance of any flood-control work destroyed by flood. The Department's district engineers in the Missouri River area are now making investigations of the levees damaged by the recent floods on the Missouri River to determine the need for Federal assistance in repair work under this authority. I may assure you that the Department will assist as much as possible in the restoration of the levees damaged by the recent floods on the Missouri River within the limits of the existing authority and available funds.

Although the preliminary estimates of the division and district engineers in the areas where the recent disastrous floods occurred indicate that the total costs of essential repairs to existing flood control works damaged by those floods will far exceed the authorization and funds now available to the Department for such repairs, I may assure you that the Department will assist as much as possible in the restoration of the levees along the Missouri River.

As you know, legislation has recently been introduced in Congress which, if enacted, would provide additional authorization for the Department to accomplish the work now

required to repair flood-control structures damaged by the recent floods in the central and southwestern parts of the country. That legislation is contained in the bills S. 1134, House Joint Resolution 132, H. R. 3010, and other bills.

The enclosures which were enclosed with your letter are returned herewith as requested.

Very truly yours,

E. REYBOLD,
Major General, Chief of Engineers.

Mr. WHITTINGTON. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Will the gentleman explain sections 2, 3, 4, of the report in connection with the farm land situation?

Mr. WHITTINGTON. I have already explained that. The bill as reported by the conferees contains a provision that quotas shall not be applicable, on lands affected by floods in 1943, and that quotas for said year shall be suspended without prejudice.

Mr. STEFAN. The quota program will not apply to those lands?

Mr. WHITTINGTON. It does not apply for the year 1943. The provision is wholly unnecessary because quotas do not apply except in the case of cotton and tobacco anyway, and it is too late to plant cotton or tobacco.

Mr. STEFAN. The gentleman anticipates an appropriation to carry on this work and that will come to us in the form of a deficiency bill, as explained by the chairman of the Appropriations Committee?

Mr. WHITTINGTON. Yes; that is correct.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to. A motion to reconsider was laid on the table.

APPOINTMENT OF AN ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 2801) to provide for the appointment of an additional assistant secretary of the Interior.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, is this a unanimous report from the committee?

Mr. PETERSON of Florida. The committee went into the matter rather carefully and reported the bill unanimously.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from New York.

Mr. TABER. Why do they need any more assistant secretaries of the Interior? It seems to me they have enough.

Mr. PETERSON of Florida. The work has been greatly increased recently. The duties of Coordinator of Fisheries have recently been placed upon the Secretary. Also, more than 200,000 licenses have already been issued under the Explosives

Act we passed. The problems of the war have brought additional problems in the various territories. The coal situation has also added a number of duties. The Committee on the Public Lands is a rather conservative committee. We went into this matter rather thoroughly and decided that the additional position is needed, but we limited it to the duration of the war and 6 months thereafter.

Mr. TABER. It is limited, then; it is temporary?

Mr. PETERSON of Florida. Yes.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Can the gentleman give details as to what he means when he says the work has materially increased in the Territories?

Mr. PETERSON of Florida. I am more familiar with Alaska than the other Territories or possessions. I am not a member of the Committee on the Territories. I know that in Alaska in connection with certain lands on which there were leases the leases have had to be suspended and the people have had to move out of certain areas. I am not familiar with the other Territories and possessions.

Mr. CRAWFORD. Puerto Rico and the Virgin Islands, for instance?

Mr. PETERSON of Florida. I am not familiar with them.

Mr. CRAWFORD. The gentleman has no information on them?

Mr. PETERSON of Florida. No.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. What is to be the salary of this Assistant Secretary of the Interior?

Mr. PETERSON of Florida. Nine thousand dollars.

Mr. SMITH of Ohio. Is his title to be Assistant Secretary?

Mr. PETERSON of Florida. We say there shall be no rank as between the assistant secretaries.

Mr. SMITH of Ohio. He is to be an assistant secretary?

Mr. PETERSON of Florida. Yes.

Mr. SMITH of Ohio. I object, Mr. Speaker.

STATUE OF SIR WILLIAM BLACKSTONE

Mr. O'TOOLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 2106) to provide for the acceptance on behalf of the United States of a statue of Sir William Blackstone, the work of the late Paul V. Bartlett, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand that under this bill there is to be no cost to the Government?

Mr. O'TOOLE. There will be a cost of about \$10,000 for the pedestal and to landscape the grounds.

Mr. MARTIN of Massachusetts. Where is this statue to be located?

Mr. BULWINKLE. If the gentleman will yield, it is to be located on Judiciary Square in the city of Washington.

Mr. MARTIN of Massachusetts. Will the gentleman kindly give the House the benefit of his knowledge about the proposal?

Mr. BULWINKLE. This is a very interesting matter. Mr. Justice Groner, of the court of appeals, requested that I introduce this bill.

In 1923 the American Bar Association was invited to be the guest of the English bar in London. At that time the American Bar Association was going to present a statue of Sir William Blackstone to the bar of England. Mr. Paul W. Bartlett, a famous sculptor, was selected to do the statue. However, the plaster cast he took over there was found to be a little large, so he had another cast made. Mr. Bartlett died after he completed the second statue. Mrs. Bartlett, at her own expense, took the first plaster cast to a foundry in Belgium and had the statue cast in bronze and brought it back to the United States. She wanted to give to the United States this heroic statue of Sir William Blackstone. It cost her something over \$25,000, I understand. Justice Groner, Chief Justice Stone, and others have been very much interested in having the United States accept this statue. It will cost about \$10,000 for the pedestal and for landscaping the grounds.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to accept, on behalf of the United States, the bronze statue of Sir William Blackstone, the work of the late Paul W. Bartlett, as a gift from Mrs. Paul W. Bartlett, and, with the advice of the Commission of Fine Arts, to provide for the erection of such statue at a suitable location on the north side of Judiciary Square in the District of Columbia.

Sec. 2. There is authorized to be appropriated the sum of \$10,000, or so much thereof as may be necessary, for carrying out the provisions of this act, including the procurement of a suitable pedestal for such statue.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

URGENT DEFICIENCY APPROPRIATION BILL, 1943

Mr. CANNON of Missouri submitted the following conference report and statement on the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate Numbered 5, 60, and 61 to the bill (H. R. 2714) "making

appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out by such amendment and in lieu of the matter proposed to be inserted by the action of the Senate and House of Representatives, insert the following: "Provided, That no part of such fund shall be available after June 30, 1943, for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Seventy-eighth Congress and such appropriation denied after consideration thereof by the Senate and House of Representatives or by the Committees on Appropriations of both bodies"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: Restore the matter proposed to be stricken out by such amendment, amended to read as follows:

"Sec. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this Act, or (2) which is now, or which is hereafter made, available under or pursuant to any other Act, to any department, agency, or instrumentality of the United States, shall be used, after November 15, 1943, to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Junior, and Robert Morris Lovett, unless prior to such date such person has been appointed by the President, by and with the advice and consent of the Senate: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to November 15, 1943: *Provided further*, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States nor any benefit, pension, or emolument resulting therefrom."

And the Senate agree to the same.

The Committee of Conference report in disagreement Senate amendment No. 61.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,

Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
M. E. TYDINGS,
GERALD P. NYE,
H. C. LODGE, JR.,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate Nos. 5, 60, and 61 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, submit

The following statement in explanation of the effect of the action agreed upon and recommended as to each of such amendments in the accompanying conference report, namely:

No. 5. The original House bill carried provision extending until June 30, 1944, the unexpended balance in the President's emergency fund on June 30, 1943, and to this provision the House added a prohibition on the use of the fund for making allocations to the National Resources Planning Board and the Farm Security Administration. The Senate struck out this provision and inserted language of a general character restricting the use of the fund. The House adopted the Senate proposed language modified so as to make the exemptions made applicable by the Senate to the War and Navy Departments likewise applicable to the Department of State and the Office of Strategic Services. To this the Senate added exemption for the Federal Bureau of Investigation. All other Federal agencies remained subject to the proposed Senate language as subsequently modified. The conference agreement omits the House restrictions relating to the National Resources Planning Board and the Farm Security Administration and substitutes, for the original proposed Senate general restrictive language as modified by the House and again by the Senate, the following limitation: "Provided, That no part of such fund shall be available after June 30, 1943, for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Seventy-eighth Congress and such appropriation denied after consideration thereof by the Senate and House of Representatives or by the Committees on Appropriations of both bodies."

No. 60. The House bill, by section 304, contains a prohibition on the use of any Federal funds, after the date of the enactment of the bill, for continuing in Federal employment Goodwin B. Watson, William E. Dodd, Junior, and Robert Morss Lovett. The Senate struck out this section. The conference agreement restores the section modified so as to prohibit the use of Federal funds for their employment after November 15, 1943, unless such persons prior to that date have been appointed by the President by and with the advice and consent of the Senate.

No. 61. Corrects a section number; the amendment is reported in disagreement. The House managers will move to recede and concur in the Senate amendment with an amendment correcting the Section number and inserting a paragraph to make appropriations in the bill, or portions of appropriations, available for obligation in the fiscal year 1944, retroactive to July 1, 1943.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,

Managers on the part of the House.

Mr. CANNON of Missouri. Mr. Speaker, under the special order previously agreed to, I call up the conference report on the bill H. R. 2714 and ask unanimous consent that the statement be read in lieu of the report.

CALL OF THE HOUSE

Mr. MCGREGOR. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. RAMSPECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 131]

Baldwin, Md.	Green	Norton
Baldwin, N. Y.	Hall,	O'Brien, Ill.
Barden	Edwin A.	O'Hara
Barry	Hart	O'Leary
Boykin	Hébert	Phillbin
Bradley, Mich.	Hollfield	Phillips
Cannon, Fla.	Izac	Plumley
Capozzoli	Johnson,	Poage
Cochran	Ward	Pracht
Cole, N. Y.	Kee	Robison, Ky.
Culkin	Kennedy	Russell
Dawson	Kilburn	Sasser
Dickstein	King	Satterfield
Dewry	Kleberg	Shafer
Eaton	Lesinski	Snyder
Elmer	McCormack	Stevenson
Fay	McKenzie	Summers, Tex.
Fitzpatrick	Magnuson	Tolan
Ford	Maloney	Treadway
Fulmer	Mansfield, Tex.	Van Zandt
Furlong	Mason	Vinson, Ga.
Gallagher	May	Wadsworth
Gerlach	Merritt	Ward
Gifford	Morrow	
Gillie	Miller, Penn.	

The SPEAKER. On this roll call 360 members have answered to their names, a quorum.

Mr. RAMSPECK. Mr. Speaker, I move to dispense with further proceedings, under the call.

The motion was agreed to.

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend the remarks I made upon the conference report today.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2935) entitled "An act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1944, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House of Representatives to the amendment of the Senate numbered 19 to said bill; that the Senate recedes from its amendment numbered 30; that the Senate further insists upon its amendment numbered 24, disagreed to by the House, agrees to a further conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCARRAN, Mr. McKELLAR, Mr. RUSSELL, Mr. BANKHEAD, Mr. TRUMAN, Mr. LODGE, and Mr. WHITE to be conferees on the part of the Senate.

The message also announced that the Acting President pro tempore had appointed Mr. BARKLEY and Mr. BREWSTER members of the Joint Select Committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the dis-

position of executive papers in the following departments and agency:

1. Department of Agriculture.
2. Department of the Navy.
3. Executive Office of the President (War Production Board).

URGENT DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

Mr. CANNON of Missouri. Mr. Speaker, I renew my request. I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

(For statement of conferees and conference report, see House proceedings of this day.)

Mr. CANNON of Missouri. Mr. Speaker, this conference report is satisfactory to nobody, but, I trust, acceptable to everybody. If I were free to write it, I would write it differently. If the gentleman from New York [Mr. TABER] were writing it he would indite a still different version. In fact, any Member of either the House or the Senate, if he were writing this conference report as he would prefer to have it, would write it quite differently, and the likelihood is that no two transcripts would agree. The conference report meets the wishes of nobody in every respect, and therein lies its virtue; it is a compromise on which, with mutual concessions, all of us can unite.

There are only two points of variance: One relates to control of the President's fund. Under the limitations imposed by the two Houses in the original draft of the bill, the fund would have been, to all practical intents and purposes, practically inoperative. Now it goes without saying that an emergency fund at the disposal of the Commander in Chief, from which allocations can be made in emergencies or in secret war operations, is indispensable in modern warfare. No war has been fought in modern times by any country without such provision. It follows, then, that limitations hampering the use of the fund are to that extent inimical to the successful prosecution of the war, and the committee of conference report back a provision under which restrictions on the use of the fund are limited to objects for which estimates by the Bureau of the Budget have been denied by the two Houses or the respective Committees on Appropriation thereof.

The second item—and the item perhaps more directly in the public eye—is that denying salaries to three Federal employees charged with subversive affiliations. On this item the two Houses have disagreed diametrically and emphatically. Each has repeatedly sustained its position by record votes and perverted oratory both in conference and on the floor.

May I briefly address myself to those Members of the House who insist that the House refuse to compose the differences on this item by mutual concessions. I appreciate the position that they take;

but, Mr. Speaker, there is a very ancient document—too frequently overlooked in these hectic days—called the Constitution of the United States. In that majestic document provision is made whereby the Senate of the United States is constituted a part of the Government of the United States, and on terms of equality with the House. The Senate has voted five separate times on roll call that it will not accept the House language, and on one of those calls the vote stood 68 to 0.

And when it is noted that the House has also voted three times just as emphatically that it will not accede from its position, we have what amounts to the irresistible force meeting the immovable object.

Now it was for just such situations that the machinery of conference was devised. Committees representing both Houses meet around a table in conference for the purpose of securing an agreement; meet and discuss the issues in order to harmonize the differences between the two bodies, meet in an effort to reach a compromise on which both Houses will undertake to agree. That has been the course followed in this all but historic instance. We have met in conference in an endeavor to reach common ground on which we might formulate a measure satisfactory to all concerned—and especially satisfactory to the forgotten and uncompensated employees of the Government waiting a check for salary now 2 days past due.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Illinois.

Mr. DIRKSEN. I say to the gentleman from Missouri that the Senate leaves the House in a very ridiculous position. We have taken 400 pages of testimony and exhibits on these three gentlemen. The Senate never took one shred of testimony of either Mr. Dodd or Mr. Watson, and only the statement of Secretary Ickes with respect to Mr. Lovett, and so after all of the testimony heard by a distinguished special committee of this House, I confess the Senate does leave us in a very difficult position. I cannot reconcile myself to it.

Mr. CANNON of Missouri. I confess, Mr. Speaker, I find myself in much the same frame of mind as the gentleman from Illinois. I agree that much of the disagreement is apparently due to lack of information on the subject in dispute between the two Houses. For example, it has been frequently insisted in debate that these three men have not had an opportunity to present their side of the case, that they have not been given a fair trial, that they have not had their day in court.

In order to dispell any such erroneous impression it is only necessary to turn to pages 119, 157, and 199 of the hearings which I shall not take the time of the House to read but in which the three men themselves respectively assure the subcommittee of their appreciation of the courtesy accorded them and the opportunity afforded them to present every possible argument and evidence in their own behalf. To any who entertain any

doubt as to the fairness and integrity of the proceedings, let me recommend even a cursory perusal of the printed transcript of the hearings which are available to all on request. All three of these men, without exception, told the committee they had been treated with every consideration, that they had been given every facility and had fully presented their case and that they appreciated the courtesy shown them by the committee.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield myself 2 minutes more.

I agree with the gentleman from Illinois [Mr. DIRKSEN] that the House language should stand. I am at a loss to understand why anyone at all familiar with the situation should not be willing to accept it. But the Senate has settled convictions to the contrary and has not hesitated to express them and under the Constitution they have that right. Ours is a bicameral system of government. The two Houses have equal voice in all legislative matters, and the Senate has but exercised its legitimate prerogatives.

So let us be practical for a minute. The House seeks the dismissal of these three men. How can that objective be accomplished? Not by defeating this report. That would leave them in office.

If you reject this conference report they retain their jobs undisturbed.

But if you agree to this conference report you adopt a plan under which these men will be removed from office before the 15th of next November unless appointed by the President and confirmed by the Senate.

You may take your choice. I know the alternative is not exactly to our liking, but we face a situation—do you want to take them out or do you want to leave them in. If you reject this report, you leave them in, and if you agree to it, you adopt the only available method of removing them.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, your conferees have brought in here a unanimous report. The items in difference that have not been composed are as stated to you by the chairman of the committee, amendment numbered 5 and amendments numbered 60 and 61. The amendment numbered 5 relates to the President's emergency fund. The language frankly is a compromise. It will permit the President to use the funds for necessary war activities without enlarging the use of it so much on other things than war activities. I believe we have done the best we could on it. The items that the House put in, the Farm Security and the National Resources Planning Board, have been taken care of by the independent offices appropriation bill and the Department of Agriculture appropriation bill.

As to amendments 60 and 61, which provide for taking off the pay roll of the United States three men—Goodwin B. Watson, William E. Dodd, Jr., and Robert Morss Lovett—the first two are in

that agency of the Federal Communications Commission which was classified by the three leaders of the Joint Chiefs of Staff—Admiral Leahy, Admiral King, and General Marshall—in a communication which was in the press yesterday and which was brought before the committee investigating the Federal Communications Commission, as an agency that is a menace to the war effort. It was recommended by them that that agency be dispensed with and that the activity that it was presently performing be turned over to the Military Establishments. If any more proof of the kind of a job that those gentlemen were doing was needed, that would be it.

It is to be regretted that we have not been able to come to an agreement with the Senate that would throw them off the roll immediately. It was apparent from the examination they were given before the Kerr committee—and that represents 385 pages of testimony—that the first loyalty of those men was not to the United States of America, and the committee felt that they should go off the pay roll. I feel that they should go off the pay roll. But we have got to have legislation that the Senate will agree to. After long struggle, after four or five votes in the House and four or five in the Senate, we have come to this situation: They go off the roll unless before the 15th of November their names are sent to the Senate and the Senate confirms them.

Mr. WALTER. Will the gentleman yield?

Mr. TABER. In just a minute. It seems incredible that the President, with the picture that I have presented, with the indictment of the division that those men are active in, by military authorities, would present their names to the Senate for confirmation. It seems incredible that the Senate could confirm them with the situation that is presented. I am confident that they will go off the roll for good on the 15th day of November.

Mr. O'CONNOR. Will the gentleman yield?

Mr. TABER. In just a moment. I feel that it is of the utmost importance that we pass legislation that will ultimately provide for taking them off the roll. Those men have been given a fair hearing. They have been given every opportunity to present their case.

I believe that this conference report should now be adopted.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROGERS].

(By unanimous consent, Mr. ROGERS of California was granted permission to revise and extend his remarks.)

Mr. ROGERS of California. Mr. Speaker, before we consider the urgent deficiency bill, I think at least one Member of this House ought to rise in opposition to the amendment which concerns three individuals. I do not want it to go down that the Senate was the only body which had concern for our American processes of individual liberty.

Not that I expect this opposition to do much good, but I want the Record to show that not everyone in this House sat by slack-jawed and pads clapping in agreement when charges were passed off as truth. There are many of us here who well realize the danger to our traditions in this Kerr amendment.

In the first place, the gentleman from Texas [Mr. DIES] rose on a point of personal privilege and in defending himself proceeded to blacken the character of 39 other individuals who had nothing whatever to do with the case. His statements were full of many misstatements. True to the tradition of his committee there had been no hearings, no fairness, no chance for defense. As a matter of fact, there had not even been any prior investigation. Men that he said should be thrown off the Government pay roll were not even on it. One of them had been a paratrooper for 6 months. A simple phone call would have disclosed that.

And since no one, not even the House of Representatives, can take a Dies charge at face value, the House set up an investigating committee to investigate the work of an investigating committee.

In the second place, the Kerr committee completely disregarded precedents—and I would like to call the attention of the House to the fact that there is a long list of precedents for procedure for committees like the Kerr committee. Congress has been trying to throw individuals off the Government pay roll since way back in 1787 and there is an established method for procedure in such cases with prosecuting and defense attorneys, with open hearings and open transcripts of all those hearings and charges made available to the accused, and all that sort of thing. Completely disregarding these precedents of procedure, the Kerr committee made its report after secret meetings and unpublished findings. With this lack of information the House voted. Later, after repeated insistence, the hearings were belatedly published.

But the Senate smelled a slight odor of ancient tombs in which liberty had been buried, and turned the matter down.

And now, in the third place, there has come forth a typical politician's weasel compromise. The matter having become too hot to handle has all been tossed in the lap of the President, with the advice and consent of the Senate. And this compromise has been concocted by a House of Representatives which claims it is reasserting its own responsibility.

By its action on these three individuals, the House will certainly not gain in prestige nor in public respect.

Mr. CANNON of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Speaker, as one who has consistently voted against the so-called Kerr amendment denying certain employees of the executive department their salaries, I want to say that I think the House should approve the report of the conferees. I cannot believe that if these men are unfit to serve their country

that the President, in the first place, would appoint them. Neither do I believe that the Senate would confirm such an appointment in the event the President so acted.

As the distinguished gentleman from Missouri [Mr. CANNON] has so well said, "the Senate is an integral part of the Congress." Now, in analogous situations, the Senate would have the last say. Suppose that the alleged acts of these men amounted to impeachable offenses, and suppose that their classification were such, which is not a fact, that they could be impeached, it would be the duty of the House of Representatives to present the articles of impeachment to the Senate. Thereafter it would be the duty of the Senate to determine the guilt or innocence of the men so sought to be impeached after full hearing. Therefore, as I have said, in analogous situations the Senate would have the last say. Accordingly, it is my contention that we should not try to force our judgment upon the judgment of the Senate of the United States in this instance, and accordingly I am going to vote for the report of the conferees.

(By unanimous consent, Mr. O'CONNOR was granted permission to revise and extend his remarks.)

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

(By unanimous consent, Mr. WIGGLESWORTH was granted permission to revise and extend his remarks.)

Mr. WIGGLESWORTH. Mr. Speaker, I have signed this conference report, and I am going along with it. I am going along with it for several reasons.

I am supporting it, first, because I believe that it offers the only foreseeable possibility of enacting this bill into law at this time and thereby providing the funds that are essential to many people on the Federal pay rolls and to the various Federal agencies provided for in this urgent deficiency bill.

On four successive occasions the Senate has voted down proposals that have been made for resolving the items in dispute, including almost the identical proposition that is now before us. It was only last evening on the fifth attempt that an affirmative vote was obtained in the Senate for that proposition. The acceptance of this report at this time will dispose of the entire bill.

Secondly, I am supporting the report because, from my standpoint, there has been an improvement in respect to the language affecting the use of the President's emergency fund.

If I were writing the language, I should prefer more restrictive language than that now in the bill. There has been clear indication in both the Senate and the House that the abuse of these funds in the past in the hands of the Bureau of the Budget must cease. The limiting language included in the bill at this time is at least a step in the right direction in that it reflects the determination in this respect of both Houses.

Finally I am supporting the report because it includes, in my judgment, the most satisfactory agreement obtainable in respect to the three Federal employees whom the Kerr committee and the House as a whole have determined should be eliminated from the Federal pay roll.

A concession is, of course, involved insofar as the House is concerned. On the other hand, if accepted, the agreement specifically provides that all three employees in question shall definitely go off the Federal pay roll on November 15 unless there is first a reappointment by the President of the United States; and second, confirmation of any reappointment by the Senate of the United States.

In other words, the burden is placed squarely on the shoulders of the President and on the shoulders of the other body. In the absence of affirmative action by both, all three employees will go off the pay rolls on November 15. In a sense the House indicts and the Senate tries.

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Oklahoma.

Mr. DISNEY. Suppose they are appointed by the President and confirmed by the Senate. Would that put them in an unimpeachable class?

Mr. WIGGLESWORTH. I am not sure that I understand the gentleman's question. I agree with the gentleman from New York in the light of the testimony developed by the Kerr committee that it is highly improbable that reappointment and confirmation of the three employees in question could take place. If it should take place surely the House is entirely free, surely any Member of the House is entirely free to take any appropriate action either collectively or individually.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Montana.

Mr. O'CONNOR. This is true, is it not, that if these men were to be impeached the House would present the articles of impeachment, which would have to be filed with the Senate, and then the Senate would decide the guilt or innocence of these individuals?

Mr. WIGGLESWORTH. The gentleman is correct. The proposal before us is somewhat analogous to that.

Mr. O'CONNOR. Yes.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Mr. Speaker, would it not be fair to assume that if these gentlemen are subject to impeachment by the House and trial by the Senate that the House and the other body should proceed now with the impeachment, rather than go through this delay to November 15?

Of course, there is no impeachment here. Nothing is involved except fitness to remain on the Federal pay rolls. Postponement to November 15 will certainly provide more than ample opportunity for the other body to consider the

380 pages of evidence of the Kerr committee.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. O'NEAL].

Mr. O'NEAL. Mr. Speaker, if this situation is understood by the House I do not believe that we will have very many votes against the conference report. After all, we are a conference committee delegated to fight for what the House adopts, and to try to do the best we can where there is a disagreement. We cannot force the Senate to do what we say, no matter how much we may want them to do it and no matter how strong we are for what we want them to do. They are a sovereign body and they do not have to do what we wish. And in the same way the reverse is true.

We have now come to a situation where the conferees have fought vigorously because of the attitude of this House, and the Senate has voted four times "no," and one time for that which we are now presenting to you. The situation stands now that the Senate declines to do exactly what the House wishes it to do.

I think there is an old line of precedents that the body which proposes a new proposition, such as this, must yield. When both sides find themselves irrevocably in disagreement, there is certainly the precedent that the House which proposes the change is the one that must recede. In other words, as we are now in such a situation and the Senate has stood pat, there would not be anything left according to precedent but for the House to recede. If we do not choose to do that, the result is the same, because the bill cannot pass and therefore we get nothing out of it at all as to this amendment. Under those conditions, therefore, we bring back to the House something that is very fair and very sensible, it seems to me. The two things in controversy are, first, that if any funds are denied in an appropriation for any specific purpose the President cannot use emergency funds for that purpose. That is an agreement between us and it seems to me there should be no question about that.

As far as these three men are concerned, we are in this situation under the proposed agreement of the conference: That these men go off the pay roll in accordance with the wishes of the House, on November 15, unless their names are certified to the Senate and the Senate confirms those names. That is fair to the Senate; that gives the Senate a chance to go into the matter, to determine for themselves whether they have had a fair trial; and that is what they have objected to, that the Senators have had no opportunity to weigh the testimony. In an impeachment proceeding, of course, the indictment is filed by the House and those impeached are tried by the Senate. This proceeding is very similar.

If you will examine the bill you will see there are many agencies here that are affected by this bill. It covers such items as salaries of pages, clerks, and Government employees; \$122,000,000 of that

kind of pay is being held up at this time. There is no use of our being hard-headed and saying that the Senate must do what we say. After all, the Senate does not have to follow our recommendation; but there are others involved; these men and women who are being denied their pay because of the fact that we have not acted.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from Illinois.

Mr. DIRKSEN. As a matter of fact, if the conference report is adopted, if these men are nominated and confirmed by the Senate before November 15, they are changed in their classification from inferior officials, are they not? In other words, under those conditions, their position is changed so they could be removed only by impeachment. They have an entirely different status.

Mr. O'NEAL. I think under the circumstances of the disagreement we must consider the fact that we are confronted with a situation where we are punishing Government employees who are being denied money that they need, and need very badly, and that their just pay is being held up because of the delay in passing this bill. We should pass the conference report unanimously.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. LAMBERTSON].

Mr. LAMBERTSON. Mr. Speaker, I have always supported the Dies committee and supported the report of the Kerr committee. The Senate action is perfectly indefensible even according to their own standards, for when one of their number opposes a nominee for personal reasons and without evidence he goes out. That is perfectly inconsistent with the Senate's action on the men here who have been investigated. Too, some one erred in not getting the Kerr committee report to the Senate Members earlier.

But, regardless of that, as I have watched the proceedings of these conferences I am convinced that this is the best we can do. If anybody had watched the Senate yesterday, watched the Senator from Tennessee trying to defend this conference report from all the assaults that were made on it, they would have wondered how he ever got it through. I think therefore we should accept this as the very best proposition possible for an agreement.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. BUSBEY].

(Mr. BUSBEY asked and was given permission to revise and extend his own remarks.)

[Mr. BUSBEY addressed the House. His remarks will appear hereafter in the Appendix.]

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Speaker, the gentlemen from Florida and other gentlemen who are opening fire on the adoption of this conference report are experienced and wise legislators. They know that in many, many instances—in fact in most instances—legislation is a matter of compromise. Somewhere along the line there must be a meeting of minds. They know that when the zero hour arrives at the end of a fiscal year, with appropriation measures in a bad log jam, a give-and-take process of compromise must necessarily be invoked or vital appropriations for the ensuing fiscal year would fail, resulting in indescribable confusion and distress.

Such a situation has now arisen. It is a condition and not a theory that confronts us. The zero hour in respect to this important appropriation bill is now at hand. The end of the current fiscal year has come and we are floundering in uncertainty. The sensible thing to do, the reasonable thing for reasonable men and women to do, is to agree to this conference report and allow this bill to become a law.

If it does not become a law, what will be the result? A great number of Government employees, both in Washington and in the field, will continue to be without their salaries, and in these days when high costs have forced hand-to-mouth living, thousands upon thousands of these Government workers will find themselves financially embarrassed immediately. The bill carries \$122,000,000 to pay the salaries of these employees. Surely we should do all we can to save these faithful Government workers from this inconvenience and suffering. Included in the total who would be affected are the District of Columbia school teachers.

The bill carries \$609,000 for the training of nurses for the United States Public Health Service, and that important activity will be paralyzed unless the bill passes. It carries \$2,000,000 for custodial employees of Government buildings, all over the country, in your district and mine, who are paid meagerly at the best and who will suffer intensely if their pay is denied. It carries the money for the Bituminous Coal Act, a vital activity. It is the bill that provides the money to loan to soldiers while they are being rehabilitated, and if those loans are stopped or interfered with for any appreciable time there undoubtedly will be deep resentment. If this bill does not pass, the President will have no emergency fund—no fund he can draw upon to meet any desperately emergent situation that might unexpectedly arise. That is an unthinkable situation in the midst of a great war.

Now let us pause for a moment to analyze the proposal before us and see if it is not a reasonable basis of agreement. It is true that the three gentlemen whom the House thought should be dismissed immediately from the Government rolls, Messrs. Watson, Dodd, and Lovett, will not be dismissed immediately but will be given a lease of life until November 15 next. If by that time the President has not reappointed them and the Senate has not confirmed them

they will go off of the rolls automatically. What, after all, is unreasonable about that proposition? What danger to the public interest could possibly be involved in carrying out this proposal? It should be remembered that these three men have never been found guilty of subversive activity. What the House found them guilty of was anti-American indoctrination and not subversive activity. The difference between the two is as wide as the Gulf of Mexico. What Judge KERR's able committee, in which we all have complete confidence, said to these men was:

We don't like your philosophy and we don't believe that men of your type of thinking should be in the public service of the United States.

That was all. And to that the House agreed. And we who approve this conference report point out that before these men can remain on the pay roll it will be necessary for them under this conference agreement to jump two big hurdles. No one knows whether they can jump either hurdle. The first hurdle is reappointment by the President. The second hurdle is confirmation by the Senate. As strongly as I approve the judgment of the House in the original instance, I am not averse to having the cases of these three men reviewed by the President and the Senate. We of the House have been busy men and our consideration of the cases has necessarily been of limited duration and extent. We believe that further review by the President and the Senate is unnecessary to establish the unsuitability of these persons for Government service but to my way of thinking it is in the interest of a liberality of justice and fair play that such a further review be allowed. I do not expect it to change the result one particle. The three accused are men of high intelligence and I do not think for a moment that anyone even imagines that they will engage or attempt to engage in any subversive activities between now and November 15. If they should do so the F. B. I. would catch up with them. The F. B. I. acts when action is required and it is not bound by any 4½ months' deferment agreement.

No one disapproves more heartily than I do the McKellar bill requiring Senate confirmation of an army of Government employees and I will never vote for it. But the proposition before us is not the McKellar bill. It is a specific proposal for a specific purpose, which is to break the appropriations log jam with which we are presently confronted, to give the departmental workers the pay to which they are entitled and to permit the Government to function. I appeal to you as sensible men and women to adopt this conference agreement both because it is a reasonable agreement and because it is the only way out of a very serious dilemma.

(Mr. LUDLOW asked and was given permission to revise and extend his own remarks.)

Mr. CANNON of Missouri. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. HENDRICKS].

Mr. HENDRICKS. Mr. Speaker, I want to thank the chairman for being

so kind as to give me 4 minutes when there are so many Members who wish time on this motion.

We have an amazing situation here this afternoon. I believe I can properly say that many Members stood here in this well and told you they believed that these men should be fired; and they said it had been determined definitely that they were not loyal to the United States, but still they asked us to enter into a compromise. You cannot compromise the flag of the United States.

As far as the Senate's being a part of this Congress is concerned, I have known that for a very long time, from the time I was in grammar school; but the House is also a part of this Congress. Why should we knuckle to the Senate just because they will not accept what we have given to them? They have been very arbitrary and inconsistent from the beginning. In the first place when this amendment came to them they voted unanimously to reject it. In the second place, when we sent this compromise back to them they voted again to reject it, but we gained votes. So they were willing to go a little further. Finally, they have accepted this compromise, which is very inconsistent, because in first rejecting this amendment they told us we should not interfere with an executive department of the Government. Then they turned right around and accepted a proposition giving them the right to confirm these men, which is interfering.

As I see it, there is no reason why these men should be appointed by the President; there is no reason why the Senate should confirm them, and there is no reason why any Member speaking of this compromise should tell us that this means if we do not accept this compromise that we will not have a bill. Yes; we do need a vacation; I need one just as much as anybody, but I am willing to stay here until Christmas Day to get these men out. Every one of us knows that the Dies committee and the Kerr committee have investigated these men and have determined that they are subversive. When these men stand here and admit they are not loyal to the United States there is no reason why we should accept any compromise and keep these men on the pay roll.

I want to say just one other thing. It has just come to me from a Member on the Republican side that some of the Republicans think it is very smart to adopt this compromise and put the whole thing in the lap of the President. You are playing politics with something dangerous if you vote that way. You Democrats are playing politics if you back them up.

We have voted twice on this measure. On the first occasion we voted to expel these men 318 to 62, and on the second occasion 301 to 71. The Senate has voted the third time and has finally accepted this compromise. I believe if we send it back again they will accept the amendment.

I say again I am not willing to compromise. We should send this back, and we will get a bill passed if we are willing to stay here long enough to get rid

of these subversive influences in the Government.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, as one who disagreed with the findings of the Kerr committee, I believe we should adopt this compromise because a half loaf is better than no loaf at all. I disagreed with the findings of that committee with reference to these three men because I felt that they were determined to be guilty by mere association and that the proceedings were not legal or judicial and were violative of the Constitution which precludes bills of attainder.

I believe the compromise should be adopted. I said half a loaf is better than no loaf at all, although I am somewhat of the opinion that this is not even half a loaf. These men—Goodwin B. Watson, William E. Dodd, Jr., and Robert Morss Lovett—in a way have been "lynch lawed." On straight principle, no one should vote for this compromise. But we have to be pragmatic. The deficiency appropriation bill which we are presently considering must pass. Otherwise, the salaries of thousands of thousands of persons will be held up. Appropriations for various departments will be prevented. Those departments cannot function. We must be practical.

The Constitution precludes a bill of attainder either by the Federal or the State Government.

We brought charges against these three men; we tried these three men; we punished these three men. That is not a judicial method of trial. It is a star-chamber proceeding. No legislator can exercise the offices of prosecutor, judge, jury, and sheriff at the same time.

We thereby disregard all the safeguards of a fair trial.

In cases of impeachment the lower House acts as prosecutor and the Senate acts as judge. There is a sharp demarcation between the one who brings the charges and the one who hears the charges.

The proceedings against these three men are illegal; otherwise we could just as well attempt to oust the President or the Vice President or a member of the Cabinet by just cutting off his salary.

Time will not permit going into the details of the charges against these men. The gravamen of one of the charges is that because they were associated and/or indirectly, or directly, connected with subversive or communistic organizations, they are, in turn, communistic or subversives. In other words, they were made guilty by association. That is a new method of trial and judgment. Wendell Willkie recently represented a Communist in the Supreme Court. Did that representation make him a Communist? Daniel Webster acted as attorney for many criminals. Did that make him a criminal? Former Chief Justice Hughes represented, in his New York office when he was a lawyer, many corporate malefactors guilty of violation of the anti-trust laws? Did that make him an offender? An eminent colonel was as-

signed to represent the Nazi saboteurs recently in Washington before the Supreme Court. Did that make of him a saboteur or a Nazi?

Frequently Members of the House and Senate are called upon to address gatherings or to write for certain publications. Busy as they are, they are unable at times to investigate thoroughly the make-up and the nature of these groups. Sometimes they are sucked in innocently. They find out, after the event, that they have addressed a group or written for a publication that may have been maintained by some Fascist and/or communistic elements. Is the Senator or Congressman thus innocently siphoned into an unfortunate situation to be called Fascist or Communist?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, the opposition in the other body to the language that we placed in this bill is on the ground that it is unconstitutional for us to do what we did. Now we find the Senate says that while it is unconstitutional to take these radicals off the pay roll today, on the 15th of November doing the selfsame thing will be constitutional.

As to the charges that they have not had a day in court, may I say that I am the last person in the world who would deprive any citizen of his day in court, but it certainly seems to me that these people are not entitled to a trial in every tribunal of the land. We have confidence in the Kerr committee. I do not think a more careful committee could have been selected, and I am perfectly willing to follow the recommendation of that committee.

I want to say a word to the Democrats, but I do not want the Members on the left side of the aisle to listen to what I have to say. I have become so all-fired mad at being compelled to apologize for people on the public pay roll who are masquerading as Democrats that it seems to me this is the time to show the people who are responsible for these employees that we do not want to be embarrassed any longer. If you took this whole crowd of starry-eyed political nonentities and placed them in the most sparsely settled county in the United States, their combined influence would not be sufficient to elect anyone dog-catcher.

Why do we who have fought year in and year out for the principles of Thomas Jefferson have to adopt this group who stand for nothing except their own selfish ends? It is time that we eliminate the greatest liability our great party has to contend with.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Speaker, I am one of those who voted against the amendment to strike these men from the pay roll when it was first presented and I have voted that way all along. I had

hoped that the House conferees might agree to the original Senate position. Of course, we must get legislation passed eventually and I realize that possibly something has to be worked out to meet the position on both sides of the Capitol.

My fear about this compromise is, and I am inclined to vote against it on this theory, that the Senate has passed a bill requiring Senate confirmation of all employees who earn more than \$4,500 per year. An amendment to that effect has been placed on two appropriation bills when they come back from the Senate. I fear that by agreeing to this compromise we will be impliedly recognizing that all employees of the Federal Government who earn a substantial amount should be nominated by the President and confirmed by the Senate. I hope that the chairman of the committee in the time remaining to the committee will state whether or not this is any implied recognition of that principle because if it is I think it would be a very dangerous vote on the part of the House to agree to this compromise. I believe the Senate confirmation bill is bad legislation and not in the public interest. Unless that matter is cleared up by the chairman of the committee and we have a legislative expression that we are not recognizing Senate confirmation I shall be forced to vote against the compromise.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from New York.

Mr. MARCANTONIO. I have consistently opposed the Kerr amendment. I feel this compromise brings no honor to either the Senate or the House. To vote for this compromise is to vote that these men be discharged from the pay roll on November 15 instead of June 30. The date does not make any difference, whether or not these people hold a job for 5 more months does not make any difference, what does make a difference is that to discharge them from the pay roll violates every principle of elementary democracy, it is an unconstitutional act, and it has the earmarks of fascism. Further, this so-called compromise is an invasion of the power of the Executive to appoint. I therefore oppose the compromise for the same reasons I have opposed the discharge of these three employees.

Mr. KEFAUVER. May I ask the chairman of the Committee on Appropriations if this will be impliedly recognizing that all employees of the Federal Government earning substantial amounts shall be nominated by the President and confirmed by the Senate, that is, by the adoption of this conference report. If this is getting a foot in the door I shall have to vote against the conference report.

Mr. CANNON of Missouri. It has no relation whatever to that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield such time as he may desire to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent to extend my own

remarks in the RECORD and include therein certain quotations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico [Mr. ANDERSON].

(Mr. ANDERSON of New Mexico asked and was given permission to revise and extend his remarks in the RECORD.)

Mr. ANDERSON of New Mexico. Mr. Speaker, I want to say this to this House as earnestly as I can: As a member of the Kerr committee, who has served long and earnestly on that committee and done his level best, I plead with you to accept this conference report. I assure you that as far as I am concerned this is no compromise of principle. The basis upon which the Kerr committee was set up was that we would go through the evidence and recommend those people whom we thought to be unfit for public service. We have done that in these three cases. I am entirely willing to believe that when Members of this House and of the Kerr committee go before the proper Senate committees they will be able to convince those committees that these men are still unfit for public service. I have not lost faith in representative government, either in the House or in the Senate.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of New Mexico. In just a minute.

Let me say that I have taken the time to go to the office of the Kerr committee and review every case that is in its files. If some of you would spend that much time in such unpleasant work you would understand why I am so keenly interested in this.

I think that while it is true that there are men who need to be condemned, there are also men who need to be exonerated. It is just as important that a free and responsive government should try to provide justice and free the innocent as that it should seek to convict the guilty.

There is on the Dies list one man, Thomas Arthur Bisson, whose only crime is that he lived much of his lifetime as a missionary for the Methodist Church in China. When that man came back to this country, when the invasion of China made it impossible for him to remain there in his work, he went to a rally promoted by the Friends of China and made an eloquent plea for the people he had been serving. His name got tangled up with the organization and he is today on a blacklist. I say to you he does not belong there.

One of the editors of Time magazine has written your committee and made the strongest possible plea in behalf of this individual. I want to clear him by the same sort of legislative process we have been working on, and which this conference report would continue.

On that list there is a young man, David Karr, whose only crime is that he

wrote a series of newspaper articles exposing the establishment of a German-American Bund in New York City. Somehow those articles were too hot for the New York press to publish, and they got into the hands of one of his friends, and, innocently, they were taken down to the Daily Worker and printed there at that time. The young man received no pay for his work. He did not know his articles were going to be printed in the Daily Worker. Today he is criticized because he at that early time, 4 years ago, condemned and exposed the German-American Bund. Was he wrong? Should his case not be heard and settled as we are here proposing?

In addition, there is a young man—and his name is Joseph Facci; the gentleman from California [Mr. Voorhis] knows him—whose only crime is that he was an anti-Mussolini Italian in California. He opposed Mussolini all the way through. For that he became listed with anti-Fascist groups whose purposes were not of the best.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of New Mexico. I decline to yield.

Mr. RANKIN. Mr. Speaker, I make the point of order that the gentleman from New Mexico, instead of talking about these three who have been convicted, is talking about some who are not involved in this amendment. I should like to have him discuss the cases before.

The SPEAKER pro tempore. The gentleman from New Mexico will proceed in order.

Mr. ANDERSON of New Mexico. When I see three names of that nature that I know should be cleared, I say to you that I want this Congress to establish a policy that can carry on and that will permit our committee to work. We have condemned three men. I think we have condemned them properly, but I do not think the job has been done in this Government.

There was a man, Karl Borders, who was head of the rent section of O. P. A., whose record as far as public life is concerned was that he belonged to and was secretary of a certain League of Industrial Democracy in Chicago, an organization working for "a social order based on production for use and not for profit." He worked in Soviet Russia for several years. That individual became head of the rent control division of O. P. A. He is today the head of the O. P. A. in Hawaii at \$8,000 per year. Is it any wonder that we have had some trouble on the profit situation within O. P. A.? Is it any wonder that there have been complaints on the rent section of O. P. A.?

Let me point out to you that a few days ago there was a controversy over a certain Negro, Doxey Wilkerson, who resigned from O. P. A. to go out and spend his life as a Communist lecturer. It was asserted that people in O. P. A. were surprised that he had become a Communist lecturer and that no one had any idea of his Communist leanings. They should not have been surprised because the Department of Justice on May 15, 1943, over the signature of John Edgar Hoover sent

to his employers a reminder that in February of 1942 the F. B. I. had established the fact that he was a Communist, and in their memorandum of May 15 they said, "He is now reported getting ready to become a Communist lecturer."

Here is what the F. B. I. said about him:

FEDERAL BUREAU OF INVESTIGATION,
UNITED STATES DEPARTMENT OF JUSTICE,
Washington, D. C., May 15, 1943.

MEMORANDUM FOR THE INTERDEPARTMENTAL
COMMITTEE ON EMPLOYEE INVESTIGATIONS

Under date of May 21, 1942, I made available to Mr. Edwin D. Dickinson, formerly Special Assistant to the Attorney General, a copy of the report of Special Agent G. W. Hall, dated March 7, 1942, at Washington, D. C., which reflected this Bureau's investigation of Doxey Alphonso Wilkerson, an employee of the Federal Security Agency, conducted under the provisions of Public Law No. 135, Seventy-seventh Congress.

As will be observed from a review of that report, considerable information was reported showing Wilkerson's activities with various organizations heretofore declared subversive by the Department of Justice with respect to these types of cases. As further shown, one confidential source related that Wilkerson was a member of the Communist Party and worked directly out of the national office in New York City. This person stated, however, that Wilkerson did not belong to the Communist Party in the District of Columbia in an effort to hide his party connections.

The results of this investigation were made available to the Federal Security Agency on March 26, 1942, and that agency advised by letter, dated December 9, 1942, that "we find nothing to show that the above employee has engaged in activities which might properly be characterized as subversive or disloyal to our Government. Therefore, he has been exonerated, and we are filing the report without further action."

In this regard and as of possible interest to the committee the Washington field office of this Bureau recently received information from a highly confidential source that Doxey Wilkerson contemplates resigning his position with the Federal Security Agency in order that he might devote his full time to Communist Party work in Baltimore, Md.

Very truly yours,

JOHN EDGAR HOOVER,
Director.

Think of that. The report of the F. B. I. as early as March 7, 1942, had indicated the nature of Wilkerson's beliefs. The memorandum had listed directly the Communist party, which the Attorney General of the United States found to be subversive, and six other organizations which he had classified as fronts for subversive movements.

What do you suppose the agency affected did about that? Why, it cleared Wilkerson, of course. On December 9, 1942, the Assistant Administrator ruled:

We find nothing to show that the above employee has engaged in activities which might properly be characterized as subversive or disloyal to our Government. Therefore, he has been exonerated, and we are filing the report without further action.

The Federal Bureau of Investigation was so notified.

That was a strange action, for on July 9, 1942, the special investigation of the Wilkerson case had caused a letter to be sent to the subversive personnel committee of the agency which read:

The majority of confidential informants advised that Wilkerson consistently follows the Communist party line and if he is not a member of the party is at least a fellow traveler. He was president of the American Federation of Teachers when the Communists were in control.

That is not a report of the Dies committee or the Kerr committee. That is from Wilkerson's own agency. And the report closed with these highly important observations:

Confidential informant T-34 advised that Wilkerson is a member of the Communist Party working out of the national office on the Communist Party in New York. Other informants stated that they observed Wilkerson at a Communist meeting in the Press Building on September 21, 1941. He seems to be closely tied up with Communist activity in the District of Columbia.

What do you suppose happened then? Exactly nothing. Wilkerson was invited in for a hearing within his Department and allowed to lecture on the beauties of socialism and the advantages of life in a Communist state, and that was all.

But you can observe from the letter of the F. B. I. on May 15, 1943 that it was not satisfied. J. Edgar Hoover was still after Professor Wilkerson. He told the Department again that Wilkerson was about to resign to devote his full time to Communist Party work. That was serious, and the head of the F. B. I. had a right to expect that the agency would act.

What happened? The matter was routed around the office and on June 19, only a few days before he actually resigned to work for the Communists, he was again cleared with this report:

Our committee of course could not establish conclusively that Wilkerson was not subversive—it is impossible to establish that conclusively about anyone. But the evidence available to the committee was not such as to show he was subversive or disloyal.

That gives us a complete and clear index to the workings of the interdepartmental committee and the special white-washing committees set up within the departments. They have made a farce of the entire proceedings and their verdicts cannot be trusted. Evidence? Why, they had it by the barrel. If time permitted, I could read it to you by the running yard, but it should be enough to let the official warning of the F. B. I. stand, particularly when Wilkerson proved the accuracy of the F. B. I. charges by doing exactly what J. Edgar Hoover said he was planning to do.

Very well, but what of the United States Civil Service Commission which is supposed to screen these applicants for public positions. I wondered how carefully it had acted.

Let me give you its report on the Wilkerson case as it came to me a day or two ago:

UNITED STATES CIVIL
SERVICE COMMISSION,
Washington, D. C., July 1, 1943.

HON. CLINTON P. ANDERSON,
House of Representatives.

DEAR MR. ANDERSON: You requested for use as a member of the subcommittee of the House Committee on Appropriations a report from the Commission on the case of Mr. Doxey A. Wilkerson. Mr. Wilkerson recently

resigned from employment with the Office of Price Administration.

The records of the Commission show that Mr. Wilkerson was approved for appointment in a temporary position in the Consumers' Division, Office of Price Administration, on June 29, 1942. This employment was on a per diem basis, the title of the position being "Consultant." The authority used for appointment was a provision designated as par graph 13 of section 1 of schedule A of Civil Service Rules. Appointments under this provision are excepted from examination and are not regarded as being in the regular civil service. The provision is for the purpose of enabling Government agencies to make temporary, part time, or intermittent appointment of professional, scientific, or technical experts for consultation purposes. Investigations are not made for appointments under this authority unless requested by the employing agency.

Mr. Wilkerson's temporary appointment, effected as above, was extended on the following dates: July 9, 1942, August 21, 1942, September 21, 1942, and November 9, 1942.

On March 27, 1943, the Civil Service Commission approved Mr. Wilkerson's appointment as an Education Specialist at a salary of \$3,800 per annum in the Office of Price Administration. This appointment was authorized for what is known as war-service employment. It does not confer civil-service status but authorizes employment for the duration of the war and not to exceed 6 months thereafter. The appointment approved on March 27, 1943, was made subject to investigation. Under agreement between the Civil Service Commission and the Office for Emergency Management responsibility for character investigation for appointees of constituent agencies of the Office for Emergency Management is for the central administrative services of the Office for Emergency Management. The Civil Service Commission passes on reports of such investigations when received. No such report has been received on the Wilkerson case.

It is understood that you are interested in a report on the case of Mr. Karl Borders and that a written request for this report will be forwarded to the Commission either by yourself or through the office of Congressman KERR, chairman of the subcommittee. The Commission has an investigation report on the Borders case and the information is being put in shape for forwarding.

By direction of the Commission:

Very respectfully,

WILLIAM C. HULL,
Executive Assistant.

I say if the departments will not do the job of checking these people, it is necessary for some committee to work, and if you do not adopt this compromise you are going to find out that the Kerr committee cannot work and no other committee of Congress can work.

I congratulate the gentleman from Missouri [Mr. CANNON] and the gentleman from New York [Mr. TABER] and their colleagues on the deficiency committee who have stood up and fought hard for what the Kerr committee tried to do. They have done their best to get this matter the way that you wanted it, but they could not, and they had to take something that I think is satisfactory because I am convinced that when the record of these men is made plain to the Senate you are not going to have any trouble with the situation there. What changed the recent votes on this matter in the Senate? The fact that the Kerr committee hearings were published and the Senators could read them. That same thing will happen again.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Is it not true that the language of the report which was signed by the gentleman from New Mexico states that they are unfit to continue in Federal employ?

Mr. ANDERSON of New Mexico. Yes; and I think they are unfit. I want to get them off as quickly as I can, and as nearly as I can see it, the first day is the 15th of November. So adopt the conference report and make that possible.

The SPEAKER pro tempore. The time of the gentleman from New Mexico has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Speaker, our distinguished colleague from Pennsylvania [Mr. WALTER] addressed himself a moment ago to the Democrats. He assumed a rather apologetic vein. I am going to address myself to the Republicans. I say the Republican Party need not make any apology for its opposition to any third-party movement. I want to call a witness or two to the stand right now. I ask my Republican brethren whether the Americanism of the gentleman from Kansas [Mr. LAMBERTSON] could ever be questioned. I ask my Republican brethren whether the Americanism of the gentleman from Massachusetts [Mr. WIGGLESWORTH] could ever be questioned. I ask my Republican brethren whether the Americanism of the gentleman from New York [Mr. TABER] could ever be questioned. I shall make no profession as to my own position. I supported, as did my three colleagues on this committee, the Kerr committee. We have urged that the evidence be brought in, which we think was sufficient upon which to base the findings that have been made. We in no way repudiate the action of that committee. We in no way condone the conduct of these three men. However, we have reached a very practical problem. My friend the gentleman from Illinois [Mr. DIRKSEN]—and there is no man in the House for whom I have a greater regard or warmer affection—asks whether the findings were not that those men should not continue in public service. We still say so. We have not changed our opinion on that.

We have gotten to the point, however, where we must face the practical problem as to the best way to get rid of them. Oh, the easy thing to say is that we will wait until next Christmas if necessary to get rid of these men. That is not the answer to this problem. The question is whether—when controversies present themselves, and reasonable men, honest men, find that there are differences of opinion—something in the nature of irreconcilable differences of opinion, whether each side is willing to give some ground in order to reach a workable conclusion. I wonder whether the constitutional convention would have brought forth the document which it did, had there not been men in that body who realized that compromise must be reached.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. DITTER. I believe the constitutional convention was a convention of great compromises—not the compromising of principle but the compromising of means by which principle might be sustained. I am now addressing my Republican friends, just as my friend addressed the Democrats. I am pleading to the Republicans. The four Republicans who sat on this conference committee were just as positive in their denunciation of those agencies that have been dangerous to the way of American life and our constitutional government as any man in the House. We are just as much opposed to these men as you are. We are not condoning their conduct. We are asking you, however, to have faith in us. We have used the best means we have at our command for carrying out the work of the Kerr committee and the findings of that body. We plead for your endorsement and approval.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOBBS. Mr. Speaker, the Constitution forbids the passing by Congress of any legislation that inflicts punishment without judicial trial. Legislative inquisitions, no matter how fair, honest, and able the committees that conduct them, are not judicial trials. Neither is confirmation by the Senate, nor its refusal to confirm. Nothing but a trial in a court of law satisfies the mandate of the Constitution.

The Congress has no more right to remove Watson, Dodd, and Lovett from office in November than now.

The granting to the sentenced trio of the possibility of another hearing before a Senate committee falls just as short of giving them a trial in court as did the hearings held by the Dies and Kerr committees of the House. Nor would it be a judicial trial if an inquisition before a Senate committee, or even before the Senate itself, were certain. No hearing, investigation nor trial, which could be conducted by the Congress, or either House thereof, nor any part of either, could possibly be a judicial trial. Any such procedure would, of course, be legislative action—not judicial. The Constitution says:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

No possible procedure in either of the other two coordinate branches of our Government can be a judicial procedure. It may be, and frequently is, a perfectly judicious procedure, but none can be judicial unless conducted in that branch of our Government in which all judicial power of the United States is vested.

Therefore, multiplying the number of nonjudicial trials is as absurd as trying to make three—or a dozen—wrongs constitute a right.

In the second place, the Congress has no more constitutional power to invade the province of the Executive authority by requiring the Chief Executive to submit the appointments of certain named employees in the executive branch of our Government to the Senate for confirmation, *vel non*—the right to appoint whom was vested by act of Congress in subordinate officials of the executive branch—than it has to remove them from office by more direct legislative action.

So, neither postponing the date of execution nor the grant of the possibility of another nonjudicial trial, adds any color or semblance of constitutionality to this latest proposal. Nor is the invasion of the province of the Executive power cured by attempting to force the Chief Executive to submit these names for the advice and consent of the Senate.

May I again call your attention to some of the decisions of the Supreme Court of the United States that support these contentions? Here they are: *Cummings v. Missouri* (71 U. S. (4 Wall. 277); *Ex parte Garland* (71 U. S. (4 Wall.) 333); *Myers v. U. S.* (272 U. S. 52); *U. S. v. Perkins* (116 U. S. 483); *Humphrey's Executor v. U. S.* (295 U. S. 602); *Morgan v. T. V. A.* (115 Fed. (2d) 990), in which certiorari was denied in 61 Supreme Court Report 806.

Mr. CANNON of Missouri. Mr. Speaker, I yield 7 minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM of Virginia. Mr. Speaker, I hope very much that the House will adopt this conference report. I think it has been shown here that every member of this conference committee has supported and is supporting the Kerr committee. Every member of this conference feels just as keenly about the merits and the importance of the Kerr amendment as any Member of this House can feel. But, after all, it is a condition and not a theory that we are confronted with. I would like for just a minute, if you will bear with me, to review the history of this thing. Let me say, if I may be pardoned for being a little personal, that the first amendment ever written into any Federal law, seeking to keep Communists off the pay roll or take them off, was an amendment of which I was the author, and was put into the W. P. A. bill which our investigating committee reported to this House. That is how I feel about it; how strongly I feel about it.

Mr. HOBBS. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I have not much time.

Mr. HOBBS. That was the abolition of an entire project or class; was it not?

Mr. WOODRUM of Virginia. That was an amendment that provided that nobody could draw pay unless he signed a statement saying that he was not a Communist. It was a sweeping amendment, and it did clean off a lot of people from the rolls.

Let us go back a moment and see where we are. When we first came in

at the beginning of this session and started to have amendments put on appropriation bills taking off the Federal pay roll certain individuals because charges had been preferred against them by the gentleman from Texas [Mr. DIES], what did the membership of the House say about it? You remember what we said? We said, "That is all right. If they are unfit to serve, let us take them off, but we want some evidence of that. These men are entitled to a day in court. Let us have an orderly procedure, bring us an orderly record, and then we will vote on it." I think that was a tenable position, and we set up the Kerr committee, composed of splendid gentlemen, men of fine attainment who have worked honestly and sincerely and brought in a report on which practically all of us agree.

We voted them off the pay roll. Now, let us try to be fair and let us examine our own position a little. We could not take this action just by a simple resolution of the House of Representatives. It must be concurred in by the Senate of the United States. I do not think we can express so much amazement that a United States Senator said just what you and I said. What did we do? We carried this bill to the Senate. We said "Senator, here are three men. We have looked into it and they are unfit for service. Will you please sign on the dotted line and turn them out?" "Well," the Senator said, "gentlemen, that is very interesting. Who are they?" "Here are their names. We have looked into it. Do not worry about it. They are unfit for service. The Kerr committee looked into it." The Senator said, "Well, maybe they did, but I do not know anything about it and before I put my name on the dotted line to take a man off the pay roll because he is unfit for public service I want to know what I am doing."

Now, if we want to be fair, that is not an entirely reasonable position. The first time the Senate voted on that, 60 to 0, that is the way it stood. They did not have a line of evidence, not the scratch of a pen in any shape or form except that the House had taken this action, and the Senate was called upon to concur.

Now, what happened? We were able to get that evidence into the hands of a few Senators, and they examined it, and almost without exception they concurred in the action of the House. I do not have the remotest fear that as to these three men mentioned in this report, when the Senate has the facts—and it should be our purpose to give them the facts between now and November 15—they will be just as much interested in taking unfit people off the Federal pay roll as you and I and the House of Representatives.

We certainly have no right to assume that we have a corner on all the patriotism or the zeal for cleaning up the public service at this end of the Capitol. We did put quite a problem on the doorstep of the gentlemen of the Senate when we asked them to accept our action without any examination whatsoever. Now, if

the House adopts this conference report, then two things must happen if these men stay on the public pay roll. The President has to send their names to Congress. I cannot possibly think he would do that, but sometimes things have happened that I did not think could happen. But if it did happen, I am confident that when this House and the Kerr committee and those of us who are interested lay the facts, as we have them in the records, on the desks of the Senators involved, the confirmation of these gentlemen will never come about. If that comes about, then we will have carried into execution the judgment of the Kerr committee.

Now, what is the other alternative? Vote down this conference report. If you do, where are you? These gentlemen stay on the pay roll.

Mr. MORRISON of North Carolina. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. MORRISON of North Carolina. Does the Kerr committee report suggest what should be done with these men?

Mr. WOODRUM of Virginia. Yes, sir; take them off the pay roll.

Mr. MORRISON of North Carolina. The report itself recommends that?

Mr. WOODRUM of Virginia. Take them off the payroll. That is what we all want to see done. That is what ought to be done. If it is not done here, I think every Member of this House ought to stand fast until it is done. I believe it will be done.

Now, if we turn down the conference report, those gentlemen stay on the pay roll. The conferees will have to go back. The deficiency subcommittee will have to reintroduce a bill for all of these department deficiencies and bring it in without the Kerr amendment and get it passed in a week or 10 days, and then all the work of the Kerr committee is gone. You have to start all over again.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. MARCANTONIO. I wish to make my position clear. I am opposed to removing these men from the pay roll, and I believe the date when they go off the pay roll makes no difference. Therefore, I shall oppose this so-called compromise.

Mr. WOODRUM of Virginia. I understand the gentleman's position.

Mr. WHITE. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. WHITE. I think in the interest of good government this is the most wholesome thing the Congress can do.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. CANNON of Missouri. Mr. Speaker, I move the previous question on the conference report.

Mr. HENDRICKS. Mr. Speaker, I offer a privileged motion.

Mr. CANNON of Missouri. I do not yield for that purpose, Mr. Speaker. I move the previous question.

Mr. HENDRICKS. A privileged motion, Mr. Speaker.

The SPEAKER. A motion to recommend is not in order, because the Senate

has already acted upon the conference report.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

Mr. HENDRICKS. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Twenty-eight Members have arisen; not a sufficient number.

Mr. HENDRICKS. Mr. Speaker, I object to the vote on the ground there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred eighty-four Members are present, a quorum.

The conference report was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Amendment No. 61: On page 49, line 10, strike out "305" and insert "304."

Mr. CANNON of Missouri. Mr. Speaker, I move the House recede from its disagreement to the amendment of the Senate No. 61, and agree to the same with an amendment.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the number proposed, insert 306, and after section 304 of the bill, insert a new section as follows:

"Sec. 305. The appropriations and authority with respect to appropriations in this act in whole or in part for the fiscal year 1944 shall be available from and including July 1, 1943, for the purposes respectively provided in such appropriations and authority. All obligations incurred during the period between June 30, 1943, and the date of the enactment of this act in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms hereof."

Mr. CANNON of Missouri. Mr. Speaker, this amendment is made necessary by the fact that we were unable to pass the bill in time to make the 1944 funds in the bill available on the 1st day of the fiscal year. This amendment merely makes the 1944 money retroactive to the 1st day of the fiscal year.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

The motion was agreed to.

A motion to reconsider was laid on the table.

APPROPRIATIONS FOR WAR AGENCIES IN THE EXECUTIVE OFFICE OF THE PRESIDENT, 1944

Mr. CANNON of Missouri submitted the following conference report and statement on the bill (H. R. 2968) making appropriations for war agencies in the Executive Office of the President for the fiscal year ending June 30, 1944, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the

amendments of the Senate to the bill (H. R. 2968) "making appropriations for war agencies in the Executive Office of the President for the fiscal year ending June 30, 1944, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 10, 13, 15, 16, 17, 18, 22, 26, 30, and 31; and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$155,000,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: Omit the matter inserted by said amendment, and restore the matter stricken out by said amendment, amended to read as follows: "sum not less than \$56,000,000 shall be allocated for direct obligations of local war price and rationing boards; sums under such appropriation of \$155,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Provided further, That no part of this appropriation shall be directly or indirectly used for the payment of the salary or expenses of any person who directs the formulation of any price policy, maximum price, or price ceiling with respect to any article or commodity unless, in the judgment of the Administrator, such persons shall be qualified by experience in business, industry or commerce; but this limitation shall not apply to the Administrator or Acting Administrator as the case may be, in considering, adopting, signing, and promulgating price policies, maximum prices, or price ceilings formulated and prepared in compliance herewith"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$30,735,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$14,091,300"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$33,222,504"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$24,000,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following: "and not more than \$2,750,000 shall be allocated to the Domestic Operations Branch for the following functions only: Office of the Director, including book and magazine coordination sections; Office of Program Coordination; News Bureau; Bureau

of Special Services; Radio Bureau; Motion Picture Bureau, not exceeding \$50,000; and for accumulated leave of eliminated employees, for liquidation of organization units herewith reduced or discontinued, and for carrying out partly completed contracts made in organization units herewith reduced or eliminated, not exceeding "\$500,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In line 4 of said amendment before the word "within" insert the words "to the public"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$89,267,720"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$203,720"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 11, 24, 25, 32, 33, and 34.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,

Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
M. E. TYDINGS,
GERALD P. NYE,
H. C. LODGE, JR.,
RUFUS C. HOLMAN,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2968) making appropriations for war agencies in the Executive Office of the President for the fiscal year ending June 30, 1944, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

No. 1: The Senate amendment provides that section 3741 of the Revised Statutes need not be applicable to operations of the Board of Economic Warfare outside continental United States. The Senate recedes.

Nos. 3, 4, 5, 6, 7, 8, and 9, relating to the Office of Price Administration: Appropriates \$155,000,000, instead of \$130,000,000 as proposed by the House and \$177,335,000 as proposed by the Senate; provides that not less than \$56,000,000, instead of \$59,551,042 as proposed by the House, shall be set apart exclusively for direct obligations of local war-price and rationing boards, strikes out the authority, inserted by the Senate, for the purchase of commodities or services for the purpose of securing compliance with the law; makes available for traveling expenses, not to exceed \$7,250,000 as proposed by the House, instead of \$3,925,659 as proposed by the Senate; accepts the Senate amendment striking out the House limitation with respect to use of the appropriation, directly or indirectly, for preparing or carrying out any subsidy program; accepts the Senate amendment striking out the House provision prohibiting use of the appropriation for roll-backs on any food commodity which has not

namely, that the loans be "fully and adequately secured."

However, the Truman amendment did provide for security acceptable to the R. F. C.—

and that the Interstate Commerce Commission must certify to the Reconstruction Finance Corporation in connection with such loans that the railroad is able to meet fixed charges and does not need reorganization through judicial proceedings.

The conferees representing the Senate insisted upon the amendment more as a directive to the R. F. C. to make loans to railroads which had been damaged by the floods, in order that transportation of war matériel and troops might be resumed as soon as possible. It was an effort in the interest of the war, and not in the interest of the railroads. However, I regret that the House conferees took another view, and would not agree to the Truman amendment.

Mr. President, I move that the conference report be agreed to.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. LUCAS. As I understand, the conferees agreed upon everything with the exception of the Truman amendment.

Mr. OVERTON. That is true. I so stated.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes; and that the House receded from its disagreement to the amendment of the Senate numbered 61 to the bill and concurred therein with amendment, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 144) relating to the marketing of burley and flue-cured tobacco under the Agricultural Adjustment Act of 1938, as amended, and it was signed by the Acting President pro tempore.

URGENT DEFICIENCY APPROPRIATIONS

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its action on a certain amendment of the Senate to House bill 2714, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES,
UNITED STATES OF AMERICA,

July 3, 1943.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 61 to the bill (H. R. 2714) making appropriations to supply urgent defi-

ciencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, and concur therein with amendments as follows: In lieu of the number inserted by said Senate engrossed amendment insert "306"; and after section 304 of the bill insert a new section as follows:

"SEC. 305. The appropriations and authority with respect to appropriations in this act in whole or in part for the fiscal year 1944 shall be available from and including July 1, 1943, for the purposes respectively provided in such appropriations and authority. All obligations incurred during the period between June 30, 1943, and the date of the enactment of this act in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms thereof."

Mr. McKELLAR. Mr. President, I move that the Senate agree to the House amendment to Senate amendment numbered 61.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. DANAHER. Mr. President, will the Senator please explain what the effect will be?

Mr. McKELLAR. The effect is that unless that provision is in the bill—the Senator will remember that it was put in late yesterday afternoon and sent to the House, and the House has now agreed to it—various Government employees will not be paid for the time between July 1 and the time when the President signs the bill. With that provision in it, they will be paid from the first of the month.

Mr. DANAHER. An admirable result, in which I concur. I thank the Senator.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Tennessee [Mr. McKELLAR].

The motion was agreed to.

ADDITIONAL APPROPRIATION FOR NATIONAL DEFENSE HOUSING

The bill (H. R. 2936) to authorize the appropriation of an additional \$200,000,000 to carry out the provisions of title II of the act entitled "An act to expedite the provision of housing in connection with national defense" was announced as next in order.

Mr. LA FOLLETTE. I object.

Mr. MALONEY. Mr. President, will the Senator withhold the objection? I should like to proceed for a few minutes on the bill.

Mr. LA FOLLETTE. Very well, Mr. President; I withhold my objection.

Mr. MALONEY. I desire to explain that the bill provides for the appropriation of an additional \$200,000,000 for the work of the Federal Works Agency under the section of the Lanham Act providing community facilities—water, sewers, schools, day-care centers, and similar facilities which are important and extremely necessary in areas where heavy war industries are located.

I remind the Senate that a few days ago the Senate passed a bill providing for an additional \$400,000,000 for new war housing in defense-industry areas. That housing cannot be utilized until the facilities to which I have referred are made available. The bill has passed the House.

It is not my bill, but a House measure. It provides for nothing new but funds. Funds under the law have been depleted. I think they are practically exhausted. A great many projects which have been approved are pending. I am fearful that if the bill goes over through the recess very great harm will be done to the war-industry centers, to the housing program, and to those without homes. The situation is already deplorable insofar as housing is concerned.

An amendment was attached to the bill in committee, and the bill was reported unanimously. The amendment may make it necessary for the bill to go to conference. In a few days Congress may take a recess for the summer. I think it is extremely important that the Senate pass the bill now. I think it will be a little dangerous for the bill to be delayed even for so much as a day longer.

The question in the mind of the able senior Senator from Wisconsin [Mr. LA FOLLETTE], if I may be somewhat presumptuous, has relation to another proposal which provides that the Office of Education shall supervise day-care centers and the maintenance and operation of schools. That bill was introduced by the Senator from Utah [Mr. THOMAS], was passed a few days ago by the Senate, and has gone to the House of Representatives. I remind the Senator and the Senate that in the bill provision was made, by an amendment suggested by the Senator from Ohio [Mr. TAFT], who is a member of the Committee on Education and Labor, that if the other bill does pass none of the funds proposed to be appropriated under the bill now under discussion could be used for those purposes.

I wish I could prevail upon the able Senator from Wisconsin to withdraw his objection. I have no direct personal interest in the matter, but it is very important.

Mr. VANDENBERG. Mr. President, I should like to ask the Senator a question. The Superintendent of Public Instruction of the State of Michigan, in commenting upon this bill, I believe, has said:

We therefore recommend that the act be further amended so that all funds for school construction and maintenance and operation be channeled through the United States Office of Education and in turn through the State departments of education. They are the legal and constitutional educational agencies.

Mr. MALONEY. That matter was discussed in the committee, Mr. President, and the letter just read by the Senator from Michigan is partially, at least, prompted by the fact that in the State of Michigan there is great need for additional school facilities, and that it so happens that there is a particular location in which a total of five school districts are involved, and that matter requires some action on the part of State authorities.

We discussed it in committee; and it was my understanding that the Federal Works Agency authorities said the matter either had been or, I think, would be satisfactorily adjusted. They were sure

there would be no further or great difficulty.

The committee did not feel that at this period in the war, and the war program, it would be wise to interfere with the present situation. It was felt that a further delay might be caused by interrupting the program now. There was a certain amount of confusion as the work was first undertaken, some time back, insofar as schools are concerned.

However, as a member of the committee, I felt, and I thought other Senators felt, that we would best serve the program and the country by going along under the existing system for the balance of the war. This is a war program. The Senator from Maine, particularly, concurred in that view, and I think he originated the suggestion in the committee.

Mr. VANDENBERG. The feeling of the department of public instruction in the State of Michigan is that the habit of the Federal Works Agency in dealing directly with school districts in connection with these grants has rather serious permanent implications. I quote one further sentence from the letter from the superintendent of public instruction:

It is our feeling that this kind of procedure will eventually affect administration, supervision, operation, and even the instructional programs in the schools.

Mr. MALONEY. Mr. President, I do not feel as the Senator seems to feel.

Mr. BREWSTER. Mr. President, I discussed this question at some length with the Superintendent of Public Instruction of the State of Michigan and the Commissioner of Education of Maine, who was here with him. I know something of the circumstances with which they deal. There has undoubtedly been occasion for criticism as to delays, and also as to the administration of the program. They allege that to undertake at this juncture to alter the system would not result in confusion or delay. However, I think we had considerable doubt on that question, and therefore felt, as the Senator from Connecticut states, that it would be wiser to allow the present situation to continue.

Mr. VANDENBERG. Mr. President, I am left in somewhat of a quandary by the statement of my eminent friend. I judge he failed to convince the Superintendent of Public Instruction of Michigan of the validity of the view which he announces to me.

Mr. BREWSTER. I think that is quite correct. I think the two gentlemen to whom I refer feel very strongly on the question. They speak from the standpoint of an educator concerned over the introduction of another authority into the educational field. We have the same question presented in this case as we had presented in connection with the vocational training problem. The question is whether or not the proposal is warranted under the circumstances which exist today.

Mr. VANDENBERG. Everything seems to be drifting in the direction of Federal control of education; and I think that every step that even looks in that direction should be examined microscopically.

Mr. MALONEY. Mr. President, I assure the Senator that that is the view of the committee with regard to this particular bill.

Mr. LA FOLLETTE. Mr. President, I think this is just as good a time as any to make a frank statement about the issues which are involved in this measure. I am referring to Calendar No. 387, House bill 2936, which provides an amendment to the Lanham Act increasing the funds available for title II, or the so-called communities' facilities section of the act.

Some time ago the Senate decided by a majority vote, after long debate, that the Lanham Act and all measures pertinent thereto should be referred to the Committee on Education and Labor.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. MALONEY. I remember that controversy very well. I helped to initiate the controversy or, rather, I was in second place. The Vice President preceded me.

Prior to the time of that incident, at least some of the legislation had been considered by the Committee on Public Buildings and Grounds.

Mr. LA FOLLETTE. I do not deny that.

Mr. MALONEY. I understand. I merely want to make the matter clear. In that particular instance, at the request of the junior Senator from Louisiana [Mr. ELLENDER], the measure was referred to the Committee on Education and Labor. I was opposed, and the Vice President yielded to the request of the Senator from Louisiana. The matter was submitted to the Senate. There were tie votes on three occasions. On each occasion the Vice President dissolved the tie vote by voting in favor of referring the matter to the Committee on Education and Labor.

The Vice President, without solicitation on my part, and without any reason for which I am familiar, this time referred this particular bill to the Committee on Public Buildings and Grounds.

Mr. LA FOLLETTE. Mr. President, if the Senator will give me a chance I will come to that matter, because we should consider the whole picture. However, as I stated, after a contest, the Senate decided, by motion and a roll-call vote, to refer Lanham Act measures to the Senate Committee on Education and Labor, and they have been going there ever since that time.

In that connection, let me point out that a day or two ago the Senate passed a measure increasing to \$400,000,000 the authorization for construction under title I of the Lanham Act. That measure had been considered by the Committee on Education and Labor. Because of the situation which had developed as a result of war conditions, and the fact that women with children were working in industry, a need arose throughout the country for taking care of children in day nurseries and in schools while their mothers were at work in industry. The program to meet that need was handled under the W. P. A. As usual, under the W. P. A., direct contacts and direct grants were made to school districts and

to nonprivate welfare and charitable organizations, and there was built up a system which in part was taking care of the problem, although to a woefully inadequate extent. Then the President ordered the W. P. A. closed and liquidated. After the liquidation of the W. P. A. the Public Works Administration took up the organization, with the same personnel, under funds available under title II of the Lanham Act, and in that way the organization was continued after the liquidation of W. P. A.

Some weeks ago an attempt was made by the Senator from Arizona to attach to an appropriation bill an amendment to provide funds to carry on the work. The amendment was voted down or went out on a point of order—I forget which. Subsequently, the Senator from Arizona introduced a legislative authorization bill and, naturally, it was sent to the Committee on Education and Labor because that committee had been exercising continuous jurisdiction over Lanham Act legislation since last year, when the Senate determined the issue. The committee held considerable hearings. It went into the whole situation. The Senator from Utah introduced a bill, Senate bill 1230, and this matter was thrashed out in the hearings and in the meetings of the committee. The committee came to the conclusion unanimously, as I recall, after considering all the questions involved, that it was much better to follow the pattern of the traditional Federal-State-aid joint program in this matter in order that the States might have more to say about the program, in order that they might have a more comprehensive program, and in order that the making of direct grants by the Federal Government to the school district or the particular agency involved might be terminated. The bill came to the floor of the Senate and was considered. The issues were thrashed out and the Senate passed the bill.

Then the measure now under discussion came over from the House. I did not know anything about it. I do not know whether the Senator from Utah did. The next thing I heard was that the bill had been referred to the Committee on Public Buildings and Grounds and that hearings were being held before that committee.

The ACTING PRESIDENT pro tempore. The Chair advises the Senator from Wisconsin that his time has expired.

Mr. LA FOLLETTE. The Senator from Wisconsin asks unanimous consent to proceed, and to conclude his remarks.

The ACTING PRESIDENT pro tempore. The Chair understood the Senate was operating under the 5-minute rule.

Mr. LA FOLLETTE. That is correct.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. Mr. President, I have requested unanimous consent that I may conclude my remarks.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DANAHER. Mr. President, reserving the right to object—

URGENT DEFICIENCY APPROPRIATION BILL, 1943

JULY 3, 1942.—Ordered to be printed

Mr. CANNON of Missouri, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 2714]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 5, 60, and 61 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken out by such amendment and in lieu of the matter proposed to be inserted by the action of the Senate and House of Representatives, insert the following: *Provided, That no part of such fund shall be available after June 30, 1943, for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Seventy-eighth Congress and such appropriation denied after consideration thereof by the Senate and House of Representatives or by the Committees on Appropriations of both bodies; and the Senate agree to the same.*

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

Restore the matter proposed to be stricken out by such amendment, amended to read as follows:

SEC. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this Act, or (2) which is now, or which is hereafter made, available under or pursuant to any other Act, to any department, agency, or instrumentality of the United States, shall be used, after November 15, 1943, to pay any part of the salary, or other compensation for the personal services of Goodwin B. Watson, William E. Dodd, Junior, and Robert Morss Lovett, unless prior to such date such person has been appointed by the President, by and with the advice and consent of the Senate: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to November 15, 1943: *Provided further*, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States nor any benefit, pension, or emolument resulting therefrom.

And the Senate agree to the same.

The committee of conference report in disagreement Senate amendment No. 61.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,

Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
M. E. TYDINGS,
GERALD P. NYE,
H. C. LODGE, Jr.,

Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate Nos. 5, 60, and 61 to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended as to each of such amendments in the accompanying conference report, namely:

No. 5. The original House bill carried provision extending until June 30, 1944, the unexpended balance in the President's emergency fund on June 30, 1943, and to this provision the House added a prohibition on the use of the fund for making allocations to the National Resources Planning Board and the Farm Security Administration. The Senate struck out this provision and inserted language of a general character restricting the use of the fund. The House adopted the Senate proposed language modified so as to make the exemptions made applicable by the Senate to the War and Navy Departments likewise applicable to the Department of State and the Office of Strategic Services. To this the Senate added exemption for the Federal Bureau of Investigation. All other Federal agencies remained subject to the proposed Senate language as subsequently modified. The conference agreement omits the House restrictions relating to the National Resources Planning Board and the Farm Security Administration and substitutes, for the original proposed Senate general restrictive language as modified by the House and again by the Senate, the following limitation:

Provided, That no part of such fund shall be available after June 30, 1943, for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Seventy-eighth Congress and such appropriation denied after consideration thereof by the Senate and House of Representatives or by the Committees on Appropriations of both bodies.

No. 60: The House bill, by section 304, contains a prohibition on the use of any Federal funds, after the date of the enactment of the bill, for continuing in Federal employment Goodwin B. Watson, William E. Dodd, Junior, and Robert Morss Lovett. The Senate struck out this section. The conference agreement restores the section modified so as to prohibit the use of Federal funds for their employment after November 15, 1943, unless such persons prior to that date have been appointed by the President by and with the advice and consent of the Senate.

No. 61: Corrects a section number; the amendment is reported in disagreement. The House managers will move to recede and concur in the Senate amendment with an amendment correcting the Section number and inserting a paragraph to make appropriations in the bill, or portions of appropriations, available for obligation in the fiscal year 1944, retroactive to July 1, 1943.

CLARENCE CANNON,
C. A. WOODRUM,
LOUIS LUDLOW,
J. BUELL SNYDER,
EMMET O'NEAL,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,

Managers on the part of the House.

○

[PUBLIC LAW 132—78TH CONGRESS]

[CHAPTER 218—1ST SESSION]

[H. R. 2714]

AN ACT

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, namely:

TITLE I—GENERAL APPROPRIATIONS
LEGISLATIVE

SENATE

Office of the Sergeant at Arms and Doorkeeper: For the payment of twenty-one pages for the Senate Chamber, at \$4 per day each, for the period July 1, 1943, to December 31, 1943, both dates inclusive, \$15,456.

Senate Restaurants: For payment to the Architect of the Capitol in accordance with the Act approved September 9, 1942 (Public Act 709, Seventy-seventh Congress), fiscal year 1943, \$13,592.

HOUSE OF REPRESENTATIVES

For payment of forty-seven pages, including ten pages for duty at the entrances to the Hall of the House, from July 1 to December 31, 1943, both inclusive, at \$4 per day each, \$34,592.

For an additional allowance for stationery of \$300 for each Representative, Delegate, and the Resident Commissioner from Puerto Rico, for the first session of the Seventy-eighth Congress, \$131,400, to remain available until June 30, 1944.

ARCHITECT OF THE CAPITOL

Capitol Buildings: For an additional amount for the Capitol Building, fiscal year 1943, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1943, \$10,600, to remain available until June 30, 1944.

EXECUTIVE OFFICE OF THE PRESIDENT

FOREIGN WAR RELIEF

The appropriation "Foreign war relief" contained in the Second Deficiency Appropriation Act, 1942, is hereby continued available until June 30, 1944.

EMERGENCY FUND FOR THE PRESIDENT

The appropriation "Emergency fund for the President," contained in the First Supplemental National Defense Appropriation Act, 1943, as supplemented by the Second Supplemental National Defense Appropriation Act, 1943, is hereby continued available until June 30, 1944, and the limitation on the amount which may be expended for objects of a confidential nature is hereby increased by \$25,000,000: *Provided*, That no part of such fund shall be available after June 30, 1943, for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Seventy-eighth Congress and such appropriation denied after consideration thereof by the Senate and House of Representatives or by the Committees on Appropriations of both bodies.

DEFENSE AID

In carrying out the Act of March 11, 1941 (Public Law 11), as amended, transfers are authorized to be made from the consolidated appropriation for "Necessary services and expenses" to the consolidated appropriation for "Administrative expenses" and the amounts so transferred shall be reimbursed by transfer from the appropriation first made hereafter for "Administrative expenses" for carrying out such Act as amended.

OFFICE FOR EMERGENCY MANAGEMENT

War Production Board: For an additional amount for the Office for Emergency Management, War Production Board, fiscal year 1943, including the objects specified for the appropriation under this head in the First Supplemental National Defense Appropriation Act, 1943, and including the purchase or hire of fifteen passenger-carrying automobiles; reimbursement, at not to exceed 3 cents per mile, of employees for expenses incurred by them in performance of official travel in privately owned automobiles within the limits of their official stations; not to exceed \$20,000 for the temporary employment of persons (including aliens) or organizations by contract or otherwise without regard to the civil service and classification laws; not to exceed \$1,250,000 additional for scientific research on materials, material substitutes, and other subjects related to the functions of the Board; and, in addition to the amounts authorized by section 203 of such Act, not to exceed \$1,207,000 for travel, and not to exceed \$834,000 for printing and binding; \$4,497,000.

War Shipping Administration: Notwithstanding the provisions of section 203 of the First Supplemental National Defense Appropriation Act, 1943 (Public Law 678), the Office for Emergency Management, War Shipping Administration, may expend during the fiscal year 1943 not to exceed \$294,430 for travel.

OFFICE OF PRICE ADMINISTRATION

For printing and binding for the Office of Price Administration, fiscal year 1943, in addition to the amount authorized by section 203 of the First Supplemental National Defense Appropriation Act, 1943, \$3,000,000: *Provided*, That the limitation on the amount for

printing and binding for the Office of Price Administration for such fiscal year shall not apply to obligations incurred for the printing of forms, instructions, regulations, and coupon books incidental to the rationing of commodities.

INDEPENDENT EXECUTIVE AGENCIES

BITUMINOUS COAL CONSUMERS' COUNSEL

Salaries and expenses: For the Office of the Bituminous Coal Consumers' Counsel, fiscal year 1943, in carrying out the functions thereof as created by the Bituminous Coal Act of 1937, as amended (15 U. S. C. 849 and 852), as further amended by the Act of April 24, 1943 (Public Law 40), and as further amended, to be supplemental to and merged with the appropriation under this head in the Independent Offices Appropriation Act, 1943, and to be available for the same objects of expenditure, \$16,000, to continue available during the fiscal year 1944.

FEDERAL SECURITY AGENCY

PUBLIC HEALTH SERVICE

Miscellaneous and contingent expenses: For an additional amount for "Miscellaneous and contingent expenses", fiscal year 1943, including the objects specified under this head in the Federal Security Agency Appropriation Act, 1943, \$31,000.

Training for nurses, Public Health Service (national defense): For an additional amount for "Training for nurses (national defense)", fiscal year 1943, including the objects specified under this head in the Federal Security Agency Appropriation Act, 1943, \$609,000.

FREEDMEN'S HOSPITAL

Miscellaneous expenses: For an additional amount for "Miscellaneous expenses", Freedmen's Hospital, fiscal year 1943, including the objects specified under this head in the Federal Security Agency Appropriation Act, 1943, \$55,000: *Provided*, That the foregoing appropriation shall be chargeable to the District of Columbia as specified under this head in such appropriation Act.

HOWARD UNIVERSITY

For an additional amount, for "Expenses, Howard University", for the fiscal year 1943, to be used for partial or total conversion of the existing power plant at Howard University from the use of oil as fuel to the use of coal or for an additional boiler and facilities for use of coal as fuel, including the cost of engineering and architectural services, \$229,500, to be available until June 30, 1944.

FEDERAL WORKS AGENCY

PUBLIC BUILDINGS ADMINISTRATION

Salaries and expenses, public buildings and grounds in the District of Columbia and adjacent area: For an additional amount, fiscal year 1943, including the objects specified under this head in the Independent Offices Appropriation Act, 1943, \$1,203,800.

Salaries and expenses, public buildings and grounds outside the District of Columbia: For an additional amount, fiscal year 1943, including the objects specified under this head in the Independent Offices Appropriation Act, 1943, \$876,000.

VETERANS' ADMINISTRATION

Vocational rehabilitation revolving fund (Act of March 24, 1943): To enable the Administrator of Veterans' Affairs to carry out the provisions of paragraph 8, part VII, of Veterans Regulation Numbered 1 (a), as amended by Public Law 16, Seventy-eighth Congress, \$500,000, to be utilized as a revolving fund and to remain available until expended.

DISTRICT OF COLUMBIA

CONTINGENT AND MISCELLANEOUS EXPENSES

Postage: For an additional amount for postage for strictly official mail matter, including the rental of postage-meter equipment, fiscal year 1943, \$4,000.

Judicial expenses: For an additional amount for judicial expenses, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$1,675.

General advertising: For an additional amount for general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, fiscal year 1941, \$108.40.

Printing and binding: For an additional amount for printing and binding, fiscal year 1943, \$8,200.

REFUND OF ERRONEOUS COLLECTIONS

Refund of erroneous collections: For an additional amount for refund of erroneous collections, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$35,000.

PAYMENT TO JOSEPH SHARFSIN

For payment to Joseph Sharfsin, of the Philadelphia (Pennsylvania) bar, in accordance with the provisions of the Act of June 23, 1942 (Private Law 469), \$3,472.39.

HEALTH DEPARTMENT

Tuberculosis sanatoria, expenses: For an additional amount for provisions, and so forth, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$28,500.

COURTS

THE MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

Salaries: For an additional amount for personal services, including pay of retired judges, fiscal year 1943, \$5,464.14.

PUBLIC WELFARE

GENERAL ADMINISTRATION, WORKHOUSE AND REFORMATORY, DISTRICT OF COLUMBIA

Support of convicts: For an additional amount for support, maintenance, and transportation of convicts transferred from District of Columbia, fiscal year 1941, including the objects specified under this head in the District of Columbia Appropriation Act, 1941, \$6,036.58.

NATIONAL TRAINING SCHOOL FOR BOYS

National Training School for Boys: For an additional amount for care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract made by the Board of Public Welfare with the Attorney General at a rate of not to exceed \$2 per day for each boy so committed, fiscal year 1942, \$4,562.

NONRESIDENT INSANE

Nonresident insane: For an additional amount for deportation of nonresident insane persons, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$4,500.

MILITIA

For an additional amount for personal services and other expenses, fiscal year 1941, including the objects specified under this head in the District of Columbia Appropriation Act, 1941, \$453.12.

SETTLEMENT OF CLAIMS AND SUITS

For the payment of claims in excess of \$250, approved by the Commissioners in accordance with the Act of February 11, 1929, as amended by the Act approved June 5, 1930 (45 Stat. 1160; 46 Stat. 500), \$2,152.54.

JUDGMENTS

For the payment of final judgments, including costs, rendered against the District of Columbia, as set forth in Senate Document Numbered 44, together with such further sum as may be necessary to pay the interest at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due until the date of payment, \$11,418.75.

AUDITED CLAIMS

For the payment of the following claims, certified to be due by the accounting officers of the District of Columbia, under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), being for the service of the fiscal year 1940 and prior fiscal years:

Public schools, salaries, District of Columbia, 1940, community centers, \$6.08;

General advertising, District of Columbia, 1940, \$11.24;

Support of convicts, District of Columbia, 1940, \$108.80;

Metropolitan Police expenses, District of Columbia, 1939, motor vehicles, \$147.92;

Support of convicts, District of Columbia, 1939, \$328.50;

Support of convicts, District of Columbia, 1938, \$149.40;

Contingent and miscellaneous expenses, 1937, general advertising, \$286;

In all, audited claims, \$1,037.94.

TEMPORARY INCREASE IN COMPENSATION FOR CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA

For additional amounts for appropriations for the fiscal year 1943 for the payment of increases in compensation authorized by the Act of April 1, 1943 (Public Law 22, Seventy-eighth Congress), as follows:

For Poundmaster, salaries, District of Columbia, 1943, \$175;

Commission on Mental Health, District of Columbia, 1943, \$525;

Public schools, salaries, District of Columbia, 1943: Administrative and supervisory, \$11,373; attendance officers, \$265; teachers and librarians, \$470,700; in all, \$482,338;

Recreation Board, salaries and expenses, District of Columbia, 1943, \$14,305;

Metropolitan Police, salaries, District of Columbia, 1943: Pay and allowances, officers and members, \$48,000;

Fire Department, salaries, District of Columbia, 1943: Pay of officers and members, \$7,000;

Gallinger Municipal Hospital, salaries, District of Columbia, 1943, \$36,000;

Probation system, courts, District of Columbia, 1943, \$750;

In all, \$589,093.

HIGHWAY FUND, GASOLINE TAX AND MOTOR VEHICLE FEES

DEPARTMENT OF VEHICLES AND TRAFFIC

Expenses: For an additional amount, fiscal year 1941, for purchase, installation, and modification of electric traffic lights, signals and controls, and so forth, including the objects specified under this head in the District of Columbia Appropriation Act, 1941, \$468.19.

REFUND OF PAVING ASSESSMENTS

Refund of paving assessments: For the refund in part of paving assessments paid by abutting property owners in connection with the restoration of abandoned street railway track areas, where portions of such assessments were subsequently paid by the street railway company, \$7,426.65, payable from the special fund created by the Act of April 23, 1924, as amended by the Act of August 17, 1937.

WATER SERVICE

Washington Aqueduct: For an additional amount for operation, fiscal year 1943, including the objects specified under this head in the District of Columbia Appropriation Act, 1943, \$174,763, payable wholly from the revenues of the Water Department.

DIVISION OF EXPENSES

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Acts for the respective fiscal years for which such sums are provided.

DEPARTMENT OF AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

SALARIES AND EXPENSES

Gypsy and brown-tail moth control: For an additional amount for gypsy and brown-tail moth control, fiscal year 1943, including the objects specified for the appropriation for this purpose in the Department of Agriculture Appropriation Act, 1943, \$137,400.

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

BITUMINOUS COAL DIVISION

For the Bituminous Coal Division, fiscal year 1943, in carrying out the purposes of the Bituminous Coal Act of 1937, as amended (15 U. S. C. 828-849), as further amended by the Act of April 24, 1943 (Public Law 40), and as further amended, to be supplemental to and merged with the appropriation under this head in the Interior Department Appropriation Act, 1943, and to be available for the same objects of expenditure, \$700,000, to continue available during the fiscal year 1944.

BUREAU OF INDIAN AFFAIRS

Maintenance, Wapato irrigation and drainage system, and so forth, Yakima Reservation, Washington (receipt limitation): For operation and maintenance of the Wapato irrigation and drainage system and auxiliary units thereof, Yakima Indian Reservation, Washington, fiscal year 1943, \$20,000, to be added to the \$165,980 appropriated for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 520).

BUREAU OF RECLAMATION

Vale project, Oregon: For an additional amount for operation and maintenance, from the reclamation fund, special fund, fiscal year 1943, \$4,000.

Kendrick project, Wyoming: The limitation of \$100,000 upon the amount that may be expended from power revenues for the operation and maintenance of the power system, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$110,000.

Boulder Canyon project: The limitation of \$750,000 upon the amount which may be expended from power and other revenues for operation, maintenance, and replacements, including other specific purposes, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$950,000.

GEOLOGICAL SURVEY

To enable the Geological Survey to meet obligations incurred by it arising from cooperative work pending reimbursement from cooperating agencies in accordance with the provisions of the Acts of February 27, 1925 (43 U. S. C. 39, 40); May 10, 1926, as amended (43 U. S. C. 48); June 17, 1935 (43 U. S. C. 49); March 4, 1915, as amended (31 U. S. C. 686); and July 2, 1942 (56 Stat. 537-539), fiscal year 1943, \$400,000, which amount shall be placed to the credit of the 1943 appropriation account of the Geological Survey: *Provided*, That there shall be returned to the Treasury not later than six months after the close of the fiscal year 1943 out of reimbursements received from cooperating agencies an amount equal to the sum herein appropriated.

GOVERNMENT IN THE TERRITORIES

Salaries and expenses, Government of the Virgin Islands: For an additional amount for salaries and expenses, fiscal year 1943, including the objects specified for the appropriation for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 560), \$7,000.

Salaries and expenses, agricultural experiment station and vocational school, Virgin Islands: For an additional amount for salaries and expenses, fiscal year 1943, including the objects specified for the appropriation for this purpose in the Interior Department Appropriation Act, 1943 (56 Stat. 560), \$2,100.

Defraying deficits in treasuries of municipal governments, Virgin Islands: For an additional amount, fiscal year 1943, for defraying the deficit in the treasury of the municipal government of Saint Croix because of the excess of current expenses over current revenues for the fiscal year 1943 (56 Stat. 560), \$45,000.

PUERTO RICAN HURRICANE RELIEF

The limitation of \$19,950 upon the amount that may be expended for administrative expenses, Puerto Rican Hurricane Relief, contained in the Interior Department Appropriation Act, 1943, is hereby increased to \$22,350.

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

Fees and expenses of conciliation commissioners, United States courts: For an additional amount for fees and expenses of conciliation

commissioners, United States courts, fiscal years 1937-40, including the objects specified under this head in the Second Deficiency Appropriation Act, fiscal year 1937 (50 Stat. 224), \$335.98.

Probation system, United States courts: For an additional amount for probation system, United States courts, fiscal year 1939 (52 Stat. 264), 88 cents.

Traveling expenses, Department of Justice: For an additional amount for traveling expenses, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$70,000.

MISCELLANEOUS

Salaries and expenses, Lands Division: For an additional amount for salaries and expenses, Lands Division, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$280,000.

Salaries and expenses of district attorneys, and so forth: For an additional amount for salaries and expenses of district attorneys, and so forth, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$205,000.

Salaries and expenses of marshals, and so forth: For an additional amount for salaries and expenses of marshals, and so forth, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$233,000.

Pay and expenses of bailiffs: For an additional amount for pay and expenses of bailiffs, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$10,000.

PENAL AND CORRECTIONAL INSTITUTIONS

Support of United States prisoners: For an additional amount for support of United States prisoners, fiscal year 1943, including the objects specified under this head in the Department of Justice Appropriation Act, 1943, \$150,000.

POST OFFICE DEPARTMENT

(Out of the postal revenues)

OFFICE OF THE CHIEF INSPECTOR

Clerks, division headquarters: For an additional amount for compensation of three hundred and thirty-two clerks at division headquarters and other posts of duty of post-office inspectors, fiscal year 1943, \$8,800.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Star Route Service: For an additional amount for inland transportation by star routes (excepting service in Alaska), including temporary service to newly established post offices, fiscal year 1942, \$14 000.

Railway Mail Service: For an additional amount for Railway Mail Service, salaries, fiscal year 1943, \$5,375,000.

Railway postal clerks, travel allowance: For an additional amount for travel allowance to railway postal clerks and substitute railway postal clerks, fiscal year 1943, \$375,000.

Railway Mail Service, traveling expenses: For an additional amount for Railway Mail Service, traveling expenses, fiscal year 1943, \$3,000.

Domestic air-mail service: For an additional amount for the inland transportation of mail by aircraft, including the objects specified under this head in the Post Office Department Appropriation Act for the fiscal years which follow, respectively:

For 1941, \$192,541;

For 1942, \$327,891.

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

Indemnities, domestic mail: For an additional amount for payment of indemnities, including the objects specified under this head in the Post Office Department Appropriation Acts for the fiscal years which follow, respectively:

For 1942, \$110,000;

For 1943, \$660,000.

DEPARTMENT OF STATE

Printing and binding: For an additional amount for the appropriation, "Printing and binding, Department of State", fiscal year 1943, \$20,000.

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

Appropriations of the Treasury Department for the fiscal years 1943 and 1944 shall be available, in accordance with the Standardized Government Travel Regulations, the Subsistence Expense Act of 1926, as amended (5 U. S. C., ch. 16), and the Act of February 14, 1931, as amended (5 U. S. C. 73a), for the payment of travel expenses to and from their homes or regular places of business and per diem in lieu of subsistence at place of employment of persons employed intermittently away from their homes or regular places of business by the Treasury Department as consultants and receiving compensation on a per diem when actually employed basis.

Administrative expenses, Adjusted Compensation Payment Act, 1936: For transfer to the Post Office Department to cover registry fees and postage on mailings of bonds issued under the provisions of the Adjusted Compensation Payment Act of 1936, fiscal year 1943, \$3,500.

BUREAU OF ACCOUNTS

Refund of moneys erroneously received and covered: For an additional amount for refund of moneys erroneously received and covered, fiscal year 1943, \$50,000.

WAR DEPARTMENT

CIVIL FUNCTIONS

UNITED STATES SOLDIERS' HOME

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home Permanent Fund, \$44,800: *Provided*, That no part of the Soldiers' Home Permanent Fund shall be used for the payment of salaries including overtime in excess of amounts fixed by the Board of Commissioners for the Soldiers' Home.

TITLE II—WAR OVERTIME PAY AND OTHER
COMPENSATION INCREASES

SEC. 201. For additional amounts for appropriations for the fiscal year 1943, for the payment of increases in compensation authorized by the Acts of August 1, 1942 (Public Law 694, Seventy-seventh Congress), December 22, 1942 (Public Law 821, Seventy-seventh Congress), April 9, 1943 (Public Law 25, Seventy-eighth Congress), and May 7, 1943 (Public Law 49, Seventy-eighth Congress), as follows:

LEGISLATIVE BRANCH

For reporting debates and proceedings, Senate, 1943, \$846;
Salaries, Capitol Police, Senate, 1943, \$6,373;
Salaries and expenses, Joint Committee on Printing, Senate, 1943, \$458;
Salaries, officers and employees, House of Representatives, 1943, \$60,402;
Clerk hire, Members and Delegates, House of Representatives, 1943, \$177,225;
Salaries, Capitol Police, House of Representatives, 1943, \$830;
Salaries and expenses, Joint Committee on Printing, House of Representatives, 1943, \$63;
Capitol Building and repairs, 1943, \$17,100;
Maintenance, legislative garage, 1943, \$1,157;
Maintenance, Senate Office Building, 1943, \$4,500;
Maintenance, House Office Buildings, 1943, \$23,556;
Capitol power plant, 1943, \$22,237;
Library buildings and grounds, 1943, \$9,978;
Salaries, Botanic Garden, 1943, \$2,810;
Salaries, Library proper, Library of Congress, 1943, \$36,964;
Salaries, Copyright Office, Library of Congress, 1943, \$2,750;
Legislative Reference Service, Library of Congress, 1943, \$9,070;
Distribution of card indexes, Library of Congress, 1943, \$7,217;
Index to State legislation, Library of Congress, 1943, \$1,596;
Union catalogs, Library of Congress, 1943, \$476;
Salaries, Library buildings, Library of Congress, 1943, \$40,704;
Salaries, Office of the Superintendent of Documents, 1943, \$89,430;
Total, Legislative Establishment, \$515,742.

THE JUDICIARY

For care of Supreme Court Building and grounds, 1943, \$2,566;
Salaries, United States Court of Customs and Patent Appeals, 1943,
\$1,979;
Salaries and expenses of clerks, United States Courts, 1943,
\$141,338;
Miscellaneous salaries, United States Courts, 1943, \$10,000;
Probation system, United States Courts, 1943, \$16,658;
Salaries, Administrative Office, United States Courts, 1943, \$2,748;
Total, The Judiciary, \$175,289.

EXECUTIVE OFFICE OF THE PRESIDENT

For salaries and expenses, National Resources Planning Board, 1943,
\$23,900;
National defense activities, National Resources Planning Board,
1943, \$8,000;
Salaries and expenses, Board of Economic Warfare, 1943, \$889,000.
Office for Emergency Management:
For Selective Service System, War Manpower Commission, 1943,
\$2,603,000;
Grants to States, employment services, War Manpower Commission,
1943, \$798,500;
Training within industry, War Manpower Commission, 1943,
\$25,000;
Salaries and expenses, War Production Board, 1943, \$5,403,000;
Salaries and expenses, Office of Price Administration, 1943,
\$10,450,000;
Total, Executive Office of the President, \$20,200,400.

INDEPENDENT ESTABLISHMENTS

For salaries and expenses, Civil Service Commission, 1943, \$570,000;
Salaries and expenses, Civil Service Commission (national defense),
1943, \$520,000;
Salaries and expenses, Federal Communications Commission, 1943,
\$85,000;
Salaries and expenses, Federal Communications Commission
(national defense), 1943, \$215,000;
Safety of employees, Interstate Commerce Commission, 1943,
\$29,300;
Signal safety systems, Interstate Commerce Commission, 1943,
\$1,900;
Locomotive inspection, Interstate Commerce Commission, 1943,
\$21,600;
Advisory Committee for Aeronautics, 1943, \$852,000;
Salaries, National Labor Relations Board, 1943, \$19,800;
Salaries and expenses, National Labor Relations Board (national
defense), 1943, \$21,000;
Salaries and expenses, National Mediation Board, 1943, \$1,000;
Salaries and expenses, National Railroad Adjustment Board,
National Mediation Board, 1943, \$6,700;
Preservation of collections, Smithsonian Institution, 1943, \$53,040;

Salaries and expenses, National Gallery of Art, 1943, \$22,460;
 United States Tariff Commission, 1943, \$62,500;
 Construction fund, United States Maritime Commission, Act of
 June 29, 1936, revolving fund (the amount that may be used for
 administrative expenses for fiscal year 1943 is hereby increased by
 \$1,875,000);
 Salaries and expenses, Veterans' Administration, 1943, \$6,775,000;
 Total, independent establishments, \$9,259,300.

FEDERAL SECURITY AGENCY

For salaries, office of general counsel, Federal Security Agency,
 1943, \$21,300;
 Columbia Institution for the Deaf, Federal Security Agency, 1943,
 \$12,200;
 Salaries and expenses, Food and Drug Administration, Federal
 Security Agency, 1943, \$62,600;
 Salaries, Freedmen's Hospital, Federal Security Agency, 1943,
 \$28,700;
 Salaries, Howard University, Federal Security Agency, 1943,
 \$57,000;
 Salaries, Office of Education, 1943, \$15,200;
 Library service and research, Office of Education, 1943, \$780;
 Salaries and expenses, vocational education, Office of Education,
 1943, \$11,500;
 Salaries and expenses, vocational rehabilitation, Office of Educa-
 tion, 1943, \$3,320;
 Salaries and expenses, Office of Education (national defense),
 1943, \$24,000;
 Salaries, Office of Surgeon General, Public Health Service, 1943,
 \$50,400;
 Pay of personnel and maintenance of hospitals, Public Health
 Service, 1943, \$975,000;
 Foreign quarantine service, Public Health Service, 1943, \$10,000;
 Expenses, Division of Mental Hygiene, Public Health Service,
 1943, \$71,800;
 Disease and sanitation investigations, Public Health Service, 1943,
 \$5,900;
 Salaries and expenses, National Institute of Health, Public Health
 Service, 1943, \$79,200;
 Emergency health and sanitation activities, Public Health Service
 (national defense), 1943, \$289,700;
 Saint Elizabeths Hospital, Federal Security Agency, 1943, \$105,500;
 Salaries, Offices of the Social Security Board, 1943, \$28,900;
 Salaries, Bureau of Old-Age and Survivors' Insurance, Social
 Security Board, 1943, \$322,200;
 Salaries, Bureau of Employment Security, Social Security Board,
 1943, \$3,500;
 Total, Federal Security Agency, \$2,178,700.

FEDERAL WORKS AGENCY

For general administrative expenses, Public Buildings Administra-
 tion, 1943, \$45,500;

Salaries and expenses, public buildings and grounds in the District of Columbia and adjacent area, Public Buildings Administration, 1943, \$3,000,000;

Salaries and expenses, public buildings and grounds outside the District of Columbia, Public Buildings Administration, 1943, \$767,000;

Administrative expenses, Public Works Administration, 1943 (increase in limitation on prior year unobligated funds, \$3,500).

Total, Federal Works Agency, \$3,812,500.

DEPARTMENT OF AGRICULTURE

For salaries, Office of Secretary of Agriculture, 1943, \$90,000;

Salaries and expenses, Library, Department of Agriculture, 1943, \$39,400;

Salaries and expenses, Bureau of Agricultural Economics, 1943, \$205,000;

Salaries and expenses, Office of Foreign Agricultural Relations, 1943, \$22,400;

Administrative expenses, Agricultural War Relations, Food Production Administration, 1943, \$3,000;

Administrative expenses, Agricultural War Relations, Food Distribution Administration, 1943, \$1,000;

Salaries and expenses, Office of Administrator, Agricultural Research Administration, 1943, \$700;

Salaries and expenses, Experiment Stations, Agricultural Research Administration, 1943, \$10,500;

Salaries and expenses, Animal Industry, Agricultural Research Administration, 1943, \$10,000;

Salaries and expenses, Plant Industry, Soils, and Agricultural Engineering, 1943, \$47,000;

Salaries and expenses, Agricultural and Industrial Chemistry, Agricultural Research Administration, 1943, \$1,400;

Salaries and expenses, Entomology and Plant Quarantine, Agricultural Research Administration, 1943, \$234,000;

Salaries and expenses, Human Nutrition and Home Economics, Agricultural Research Administration, 1943, \$9,200;

Beltsville Research Center, Agricultural Research Administration, 1943, \$7,000;

White pine blister rust control, Department of Agriculture, 1943, \$52,000;

Salaries and expenses, Forest Service, 1943, \$997,000;

Forest fire cooperation, 1943, \$2,000;

Administrative expenses, Commodity Credit Corporation, Department of Agriculture, 1943 (the amount that may be used for administrative expenses is hereby increased by \$230,900);

Salaries and expenses, Soil Conservation Service, 1943, \$1,535,000;

Land utilization and retirement of submarginal land, Department of Agriculture, 1943, \$80,000;

Salaries and expenses, Marketing Service, Food Distribution Administration, 1943, \$1,239,000;

Total, Department of Agriculture, \$4,588,600.

DEPARTMENT OF COMMERCE

For salaries, Office of the Secretary, 1943, \$19,800;
 Expenses of the Sixteenth Census, 1943, \$100,000;
 Salaries and expenses, Bureau of the Census, 1943, \$217,000;
 General administration, Office of Administrator of Civil Aeronautics, 1943, \$29,000;
 Maintenance of air-navigation facilities, Office of Administrator of Civil Aeronautics, 1943, \$653,000;
 Maintenance and operation, Washington National Airport, Office of Administrator of Civil Aeronautics, 1943, \$28,000;
 Magnetic and seismological work, Coast and Geodetic Survey, 1943, \$6,200;
 Geodetic control surveys, Coast and Geodetic Survey, 1943, \$30,100;
 Salaries, Coast and Geodetic Survey, 1943, \$83,800;
 Aeronautical charts, Coast and Geodetic Survey, 1943, \$24,700;
 Operation and administration, National Bureau of Standards, 1943, \$47,400;
 Testing, inspection, and information service, National Bureau of Standards, 1943, \$77,500;
 Research and development, National Bureau of Standards, 1943, \$52,800;
 Standards for commerce, National Bureau of Standards, 1943, \$16,400;
 Salaries and expenses, Weather Bureau, Department of Commerce, 1943, \$425,000;
 Total, Department of Commerce, \$1,810,700.

DEPARTMENT OF THE INTERIOR

For salaries, Office of Secretary of the Interior, 1943, \$83,000;
 Salaries, Office of Solicitor, Department of the Interior, 1943, \$15,200;
 Salaries and expenses, Grazing Service, Department of the Interior, 1943, \$64,300;
 Salaries, General Land Office, 1943, \$4,500;
 Salaries and commissions of registers of land offices, 1943, \$1,940;
 Revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, Oregon (reimbursable), 1943, \$11,630;
 Salaries, Geological Survey, 1943, \$8,300;
 Salaries, Bureau of Indian Affairs, 1943, \$2,500;
 Maintaining law and order on Indian reservations, 1943, \$7,000;
 Expenses of organizing Indian corporations, and so forth, 1943, \$4,300;
 Expenses, sale of timber (reimbursable), 1943, \$5,000;
 Maintenance, San Carlos irrigation project, Gila River Reservation, Arizona (receipt limitation), 1943 (from operation and maintenance collections), \$18,000;
 Improvement and maintenance, irrigation system, Colorado River Reservation, Arizona (reimbursable), 1943, \$1,000;
 Improvement and maintenance, irrigation system, Colorado River Reservation, Arizona (receipt limitations), 1943 (from operation and maintenance collections), \$1,000;
 Maintenance, irrigation systems, Fort Peck Reservation, Montana (reimbursable), 1943, \$1,000;

Improvement and maintenance, irrigation systems, Blackfeet Reservation, Montana (reimbursable), 1943, \$250;

Improvement and maintenance, irrigation systems, Crow Reservation, Montana (reimbursable), 1943, \$500;

Improvement and maintenance, irrigation systems, Crow Reservation, Montana (receipt limitation), 1943 (from operation and maintenance collections), \$2,500;

Improvement and maintenance, irrigation systems, Klamath Reservation, Oregon (reimbursable), 1943, \$350;

Maintenance, irrigation systems, Wind River Reservation and ceded lands, Wyoming (reimbursable), 1943, \$2,000;

Indian boarding schools, 1943, \$85,000;

Administration of Indian property, 1943, \$50,000;

Miscellaneous Indian tribal funds, 1943:

Arizona: Pima (Camp McDowell), \$100, and Truxton Cañon, \$690; in all, \$790;

California: Mission, \$990;

Oregon: Klamath, \$9,900;

Utah: Uintah and Ouray, \$220;

Washington: Colville, \$600, and Taholah, \$140; in all, \$740;

Support of Osage Agency and pay of tribal officers, Oklahoma, \$7,400;

Protection of project works, Bureau of Reclamation (national defense), 1943, \$50,000;

Advances to Colorado dam fund, Boulder Canyon project, 1943 (amount that may be used from power and other revenues increased by \$29,500);

Reclamation fund, special fund, Kendrick project, Wyoming, 1943 (amount that may be used from power revenues increased by \$9,500);

Coal-mine inspections and investigations, Bureau of Mines, 1943, \$39,000;

Investigation of domestic sources of mineral supply, Bureau of Mines (national defense), 1943, \$30,000;

Manganese beneficiation pilot plants and research, Bureau of Mines (national defense), 1943, \$60,000;

Expenses, mining experiment stations, Bureau of Mines, 1943, \$20,000;

Care, and so forth, buildings and grounds, Bureau of Mines, Pittsburgh, Pennsylvania, 1943, \$9,900;

Magnesium pilot plants and research (national defense), 1943, \$60,000;

Salaries and expenses, Government of the Virgin Islands, 1943, \$12,250;

Salaries and expenses, agricultural experiment station and vocational school, Virgin Islands, 1943, \$400;

Puerto Rican hurricane relief, administrative expenses, Department of the Interior, 1943 (the amount of available unobligated funds that may be used is hereby increased by \$1,790);

Total, Department of the Interior, \$650,820.

DEPARTMENT OF JUSTICE

For salaries, Office of Assistant Solicitor General, Department of Justice, 1943, \$1,160;

Salaries, Office of Assistant to the Attorney General, 1943, \$4,800;
 Salaries, Administrative Division, Department of Justice, 1943, \$92,800;
 Salaries, Criminal Division, Department of Justice, 1943, \$34,100;
 Salaries, Office of Pardon Attorney, Department of Justice, 1943, \$2,140;
 Salaries and expenses, Lands Division, Department of Justice, 1943, \$226,000;
 Miscellaneous salaries and expenses, field, Department of Justice, 1943, \$10,600;
 Salaries and expenses of district attorneys, etc., Department of Justice, 1943, \$264,700;
 Salaries and expenses of marshals, etc., Department of Justice, 1943, \$231,000;
 Pay and expenses of bailiffs, Department of Justice, 1943, \$20,500;
 Salaries and expenses, Federal Bureau of Investigation, 1943, \$497,000;
 Salaries and expenses, Federal Bureau of Investigation (national defense), 1943, \$2,125,000;
 Salaries and expenses, Immigration and Naturalization Service, 1943, \$1,788,000;
 Support of United States prisoners, 1943, \$16,800;
 Total, Department of Justice, \$5,314,600.

DEPARTMENT OF LABOR

For salaries, Office of the Secretary of Labor, 1943, \$32,400;
 Salaries and expenses, Office of the Solicitor, Department of Labor, 1943, \$13,900;
 Salaries and expenses, Division of Labor Standards, Department of Labor, 1943, \$7,500;
 Salaries and expenses, safety and health program, Department of Labor (national defense), 1943, \$11,000;
 Salaries and expenses, Commissioners of Conciliation, Department of Labor, 1943, \$26,200;
 Salaries and expenses, Bureau of Labor Statistics, 1943, \$107,400;
 Salaries and expenses, Bureau of Labor Statistics (national defense), 1943, \$100,000;
 Salaries and expenses, Children's Bureau, 1943, \$14,900;
 Salaries and expenses, child labor provisions, Fair Labor Standards Act Children's Bureau, 1943, \$10,500;
 Salaries and expenses, maternal and child welfare, Social Security Act, Children's Bureau, 1943, \$13,600;
 Salaries and expenses, Women's Bureau, 1943, \$15,900;
 Total, Department of Labor, \$353,400.

POST OFFICE DEPARTMENT

(Out of the postal revenues)

For salaries, Office of the Postmaster General, 1943, \$22,800;
 Salaries, Office of Budget and Administrative Planning, 1943, \$330;
 Salaries, Office of the First Assistant Postmaster General, 1943, \$56,400;

Salaries, Office of the Second Assistant Postmaster General, 1943, \$44,300;
 Salaries, Office of the Third Assistant Postmaster General, 1943, \$56,870;
 Salaries, Office of the Fourth Assistant Postmaster General, 1943, \$9,200;
 Salaries, Office of the Solicitor for the Post Office Department, 1943, \$3,000;
 Salaries, Office of the Chief Inspector, 1943, \$20,000;
 Salaries, Office of the Purchasing Agent, 1943, \$2,200;
 Salaries, Bureau of Accounts, 1943, \$14,200;
 Post Office inspectors, salaries, 1943, \$158,000;
 Post Office inspectors, clerks, division headquarters, 1943, \$8,300;
 Compensation to postmasters, 1943, \$5,088,200;
 Compensation to assistant postmasters, 1943, \$971,900;
 Clerks, first- and second-class post offices, 1943, \$24,329,000;
 Separating mails, 1943, \$28,600;
 Unusual conditions at post offices, 1943, \$82,000;
 Clerks, third-class post offices, 1943, \$564,000;
 Miscellaneous items, first- and second-class post offices, 1943, \$3,900;
 Village delivery service, 1943, \$93,100;
 City delivery carriers, 1943, \$14,707,000;
 Special-delivery fees, 1943, \$866,000;
 Railroad transportation and mail messenger service, 1943, \$2,100;
 Railway Mail Service, salaries, 1943, \$1,968,000;
 Rural Delivery Service, 1943, \$4,544,900;
 Operating force for public buildings, Post Office Department, 1943, \$3,503,000;
 Vehicle service, 1943, \$981,000;
 Total, Post Office Department, \$61,128,300.

DEPARTMENT OF STATE

For salaries, Department of State, 1943, \$299,400;
 Passport agencies, Department of State, 1943, \$4,000;
 Salaries, Foreign Service officers, 1943, \$177,000;
 Salaries, Foreign Service clerks, 1943, \$316,400;
 Miscellaneous salaries and allowances, Foreign Service, 1943, \$38,200;
 Foreign Service, auxiliary (emergency), 1943, \$127,600;
 International Boundary Commission, United States and Mexico, 1943, \$21,800;
 Rio Grande canalization, Department of State, 1943, \$16,200;
 Salaries and expenses, International Joint Commission, United States and Great Britain, 1943, \$1,000;
 Total, Department of State, \$1,001,600.

TREASURY DEPARTMENT

For salaries and expenses, foreign-owned property control, 1943, \$146,200;
 Salaries, Division of Research and Statistics, Treasury Department, 1943, \$13,600;

Salaries, Office of General Counsel, Treasury Department, 1943, \$6,700;
 Salaries, Division of Personnel, Treasury Department, 1943, \$18,300;
 Salaries, office of chief clerk, Treasury Department, 1943, \$22,700;
 Salaries, operating force, Treasury Department buildings, 1943, \$73,400;
 Salaries and expenses, guard force, Treasury Department buildings, 1943, \$71,500;
 Salaries and expenses, Bureau of Accounts, Treasury Department, 1943, \$52,300;
 Salaries and expenses, Division of Disbursement, 1943, \$232,600;
 Salaries and expenses, Bureau of the Public Debt, 1943, \$311,400;
 Expenses of loans, Act September 24, 1917, as amended and extended, 1943 (the amount that may be used is hereby increased by \$913,800);
 Salaries, Office of Treasurer of United States, 1943, \$357,300;
 Salaries, Office of Treasurer of United States (Federal Reserve notes, reimbursable), 1943, \$5,200;
 Collecting the revenue from customs, 1943, \$1,336,200;
 Salaries, Office of Comptroller of the Currency, 1943, \$12,600;
 Collecting the internal revenue, 1943, \$7,398,000;
 Salaries and expenses, Bureau of Narcotics, 1943, \$26,500;
 Suppressing counterfeiting and other crimes, 1943, \$107,000;
 Salaries and expenses, Procurement Division, 1943, \$11,100;
 Total, Treasury Department, \$10,202,600.

WAR DEPARTMENT

CIVIL FUNCTIONS

For cemeterial expenses, War Department, 1943, \$56,800;
 Sanitation, Canal Zone, Panama Canal, 1943, \$146,800;
 Civil government, Panama Canal and Canal Zone, 1943, \$111,000;
 Total, War Department, Civil Functions, \$314,600.

DISTRICT OF COLUMBIA

For executive office, salaries, District of Columbia, 1943, \$1,540;
 Purchasing Division, salaries, District of Columbia, 1943, \$620;
 District buildings, salaries, District of Columbia, 1943, \$27,400;
 Board of Tax Appeals, salaries, District of Columbia, 1943, \$440;
 Collector, salaries, District of Columbia, 1943, \$3,680;
 Auditor, salaries, District of Columbia, 1943, \$4,200;
 Corporation Counsel, salaries, District of Columbia, 1943, \$100;
 Alcoholic Beverage Control Board, District of Columbia, 1943, \$130;
 Coroner, salaries, District of Columbia, 1943, \$1,380;
 Chief clerk, Engineer Department, salaries, District of Columbia, 1943, \$1,530;
 Department of Insurance, salaries, District of Columbia, 1943, \$470;
 Commission on Mental Health, District of Columbia, 1943, \$130;

Board of Indeterminate Sentence and Parole, District of Columbia, 1943, \$110;

Office of Administrator of Rent Control, salaries and expenses, District of Columbia, 1943, \$1,570;

Register of Wills, salaries, District of Columbia, 1943, \$710;

Recorder of Deeds, salaries, District of Columbia, 1943, \$8,500;

Motor vehicles, District of Columbia, 1943, \$470;

Free Public Library, salaries, District of Columbia, 1943, \$22,600;

Collection and disposal of refuse, salaries, District of Columbia, 1943, \$3,180;

Electrical Department, salaries, District of Columbia, 1943, \$7,630;

Public schools, salaries, District of Columbia, 1943, \$107,700;

Metropolitan Police, salaries, District of Columbia, 1943, \$10,200;

Tuberculosis Sanatoria, salaries, District of Columbia, 1943, \$28,700;

Gallinger Municipal Hospital, salaries, District of Columbia, 1943, \$30,800;

Division of Child Welfare, detention of children, District of Columbia, 1943, \$1,050;

Workhouse and reformatory, salaries, District of Columbia, 1943, \$27,600;

Industrial Home School for Colored Children, salaries, District of Columbia, 1943, \$2,600;

Industrial Home School, salaries, District of Columbia, 1943, \$3,660;

Municipal Lodging House, District of Columbia, 1943, \$470;

Public parks, salaries, District of Columbia, 1943, \$6,400;

National Zoological Park, District of Columbia, 1943, \$7,690;

Total, District of Columbia, exclusive of highway and water funds, \$313,260.

For trees and parking, salaries, highway fund, District of Columbia, 1943, to be paid wholly out of the special fund created by the Act entitled "An Act to provide a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes," approved April 23, 1924 (43 Stat. 106), and the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes," approved August 17, 1937, \$740.

For general expenses, Washington Aqueduct, District of Columbia, 1943, to be paid wholly out of the revenues of the Water Department of the District of Columbia, \$49,800;

Total, District of Columbia, including highway and water funds, \$363,800.

The foregoing sums for the District of Columbia, unless otherwise specifically provided, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Act, 1943.

Total, section 201, \$121,870,951.

SEC. 202. The restrictions contained in appropriations or affecting appropriations or other funds, available during the fiscal year 1943, limiting the amounts which may be expended for personal services or for other purposes, are hereby waived to the extent necessary to meet the increases in compensation authorized by the Act of August 1, 1942 (Public Law 694), amending section 13 of the Classification Act of 1923, the Act of December 22, 1942 (Public Law 821), authorizing the payment of overtime compensation to civilian employees in or

under the United States Government, the Act of April 9, 1943 (Public Law 25), authorizing additional compensation for employees in the Postal Service, and by other legislation enacted during and applicable to the fiscal year 1943 authorizing overtime compensation for civilian employees of the Government: *Provided*, That the head of any department, establishment, or agency is hereby authorized to allocate from the sum herein appropriated under any appropriation title administered by him to any subappropriation under such title such amount as may be necessary for the purposes of this section.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

SEC. 302. Except as otherwise provided for in this Act, no part of any appropriation contained in or authorized to be expended by this Act shall be used to pay the compensation of any officer or employee of the Government of the United States whose post of duty is in continental United States unless such person (1) is a citizen of the United States, or (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, or (3) is a person who owes allegiance to the United States: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with. The provisions of this section shall not apply to citizens of the Commonwealth of the Philippines.

SEC. 303. Appropriations contained herein may be used to reimburse the Emergency Fund for the President for advances made therefrom to meet pay-roll obligations for which funds are provided in this Act.

SEC. 304. No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this Act, or (2) which is now, or which is hereafter made, available under or pursuant to any other Act, to any department, agency, or instrumentality of the United States, shall be used, after November 15, 1943, to pay any part of the salary, or other compensation for the personal services, of

Goodwin B. Watson, William E. Dodd, Junior, and Robert Morss Lovett, unless prior to such date such person has been appointed by the President, by and with the advice and consent of the Senate: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to November 15, 1943: *Provided further*, That this section shall not operate to deprive any such person of payment for services performed as a member of a jury or as a member of the armed forces of the United States nor any benefit, pension, or emolument resulting therefrom.

SEC. 305. The appropriations and authority with respect to appropriations in this Act in whole or in part for the fiscal year 1944 shall be available from and including July 1, 1943, for the purposes respectively provided in such appropriations and authority. All obligations incurred during the period between June 30, 1943, and the date of the enactment of this Act in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms thereof.

SEC. 306. This Act may be cited as the "Urgent Deficiency Appropriation Act, 1943".

Approved July 12, 1943.

